

FILED
MAY - 5 2000
DEPARTMENT OF REAL ESTATE

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

By [Signature]

* * *

In the Matter of the Accusation of)
EIR REALTY, INC.,)
Respondent.)

NO. H-28443 LA

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on April 20, 2000, and the findings of fact set forth herein are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and (3) other evidence.

FINDINGS OF FACT

I

On March 10, 2000, Thomas McCrady made the Accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified and regular mail, to Respondent's last known mailing address on file with the Department on March 10, 2000.

On April 20, 2000, no Notice of Defense having been filed herein, within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

II

At all times herein mentioned, Respondent was and still is licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code (Code), and was and still is licensed by the Department of Real Estate of the State of California (Department) as a corporate real estate broker.

III

At all times herein mentioned, in San Bernardino

County, California, Respondent, for compensation or in expectation of compensation, engaged in the real estate business with the public, including solicitation of listings and negotiating the purchases and sales of real property.

IV

Beginning on or about November 16, 1999, and continuing through the present, Respondent has failed to retain and make available for examination and inspection by a designated representative of the Real Estate Commissioner, all documents, records and/or writings pertaining to the real estate activities of EIR Realty, Inc., for the period from June 1, 1998 to October 31, 1999, including, but not necessarily limited to, copies of: 1) corporate real estate license; 2) broker/salesperson license and all salesperson licenses of salespersons working under its license; 3) broker/salesperson agreements between it and the salespersons working under its license; 4) Article of Incorporation; 5) latest Statement by Domestic Stock Corporation; 6) Fictitious Business Name Statements; 7) signature cards for all trust accounts; 8) bank statements for broker trust accounts, and canceled and voided checks from all trust accounts; 9) records of trust fund deposits and receipts; 10) columnar records of trust funds received and paid out; 11) columnar records of trust funds received and not placed into trust accounts; 12) separate records of each beneficiary or transaction; 13) records of the reconciliation of the separate records to the records of trust funds received; 14) invoices related to trust account disbursements, credit/debit memos and wire transfer confirmations, escrow logs and escrow files. A Subpoena dated November 15, 1999, requesting these documents was personally served on the Designated Officer (Marcie Lynn Campbell) of Respondent on November 16, 1999.

DETERMINATION OF ISSUES

I

The conduct of Respondent, as alleged in Findings II through IV, constitutes violations under Code Section 10148. Said conduct is cause pursuant to Code Sections 10165 and 10177(d) for the suspension or revocation of all licenses and license rights of Respondent under Real Estate Law.

II

The standard of proof applied was clear and convincing proof to a reasonable certainty.

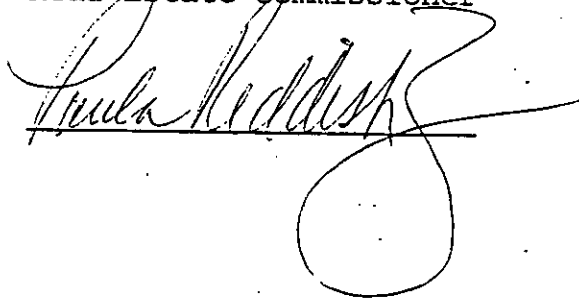
ORDER

The license and license rights of Respondent EIR REALTY, INC. under the provisions of Part 1 of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on May 25, 2000.

DATED: May 3, 2000.

PAULA REDDISH ZINNEMANN
Real Estate Commissioner

A handwritten signature in cursive script, reading "Paula Reddish Zinnemann", written over a horizontal line. The signature is fluid and includes a large loop at the end.

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

FILED
APR 20 2000
DEPARTMENT OF REAL ESTATE

By CB

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * * *

11 In the Matter of the Accusation of)
12 EIR REALTY, INC.,) NO. H-28443 LA
13 Respondent(s).) DEFAULT ORDER
14 _____)

15 Respondent, EIR REALTY, INC., having failed
16 to file a Notice of Defense within the time required by
17 Section 11506 of the Government Code, is now in default.
18 It is, therefore, ordered that a default be entered on the
19 record in this matter.

20 IT IS SO ORDERED April 20, 2000

21 PAULA REDDISH ZINNEMANN
22 Real Estate Commissioner

23 Randolph Brendia
24 By: RANDOLPH BRENDIA
25 Regional Manager
26
27



SAC.
1 CHRIS LEONG, Counsel (SBN 141079)
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) 576-6910 (Direct)
7
8
9

FILED
MAR 10 2000
DEPARTMENT OF REAL ESTATE

By *[Signature]*

10 BEFORE THE DEPARTMENT OF REAL ESTATE
11 STATE OF CALIFORNIA

12 * * *

12 In the Matter of the Accusation of)
13 EIR REALTY, INC.,) NO. H-28443 LA
14 a corporation,) A C C U S A T I O N
15 Respondent.)

16 The Complainant, Thomas McCrady, a Deputy Real Estate
17 Commissioner of the State of California, for cause of Accusation
18 against EIR REALTY, INC., a corporation (Respondent), is
19 informed and alleges as follows:

20 1.

21 The Complainant, Thomas McCrady, a Deputy Real Estate
22 Commissioner of the State of California, makes this Accusation
23 against Respondent in his official capacity.

24 2.

25 At all times herein mentioned, Respondent was and
26 still is licensed and/or has license rights under the Real
27 Estate Law, Part 1 of Division 4 of the Business and Professions
Code (Code), and was and still is licensed by the Department of

1 Real Estate of the State of California (Department) as a
2 corporate real estate broker.

3 3.

4 At all times herein mentioned, in San Bernardino
5 County, California, Respondent, for compensation or in
6 expectation of compensation, engaged in the real estate business
7 with the public, including solicitation of listings and
8 negotiating the purchases and sales of real property.

9 4.

10 Beginning on or about November 16, 1999, and
11 continuing through the present, Respondent has failed to retain
12 and make available for examination and inspection by a
13 designated representative of the Real Estate Commissioner, all
14 documents, records and/or writings pertaining to the real estate
15 activities of EIR Realty, Inc., for the period from June 1, 1998
16 to October 31, 1999, including, but not necessarily limited to,
17 copies of: 1) corporate real estate license;
18 2) broker/salesperson license and all salesperson licenses of
19 salespersons working under its license; 3) broker/salesperson
20 agreements between it and the salespersons working under its
21 license; 4) Article of Incorporation; 5) latest Statement by
22 Domestic Stock Corporation; 6) Fictitious Business Name
23 Statements; 7) signature cards for all trust accounts; 8) bank
24 statements for broker trust accounts, and canceled and voided
25 checks from all trust accounts; 9) records of trust fund
26 deposits and receipts; 10) columnar records of trust funds
27 received and paid out; 11) columnar records of trust funds



1 received and not placed into trust accounts; 12) separate
2 records of each beneficiary or transaction; 13) records of the
3 reconciliation of the separate records to the records of trust
4 funds received; 14) invoices related to trust account
5 disbursements, credit/debit memos and wire transfer
6 confirmations, escrow logs and escrow files. A Subpena dated
7 November 15, 1999, requesting these documents was personally
8 served on the Designated Officer (Marcie Lynn Campbell) of
9 Respondent on November 16, 1999.

10 5.

11 The facts alleged above are grounds for the suspension
12 or revocation of Respondent's license under Code Section
13 10177(d) in conjunction with Code Section 10148.

14 WHEREFORE, Complainant prays that a hearing be
15 conducted on the allegations of this Accusation and that upon
16 proof thereof, a decision be rendered imposing disciplinary
17 action against all licenses and license rights of Respondent
18 EIR REALTY, INC., a corporation, under the Real Estate Law
19 (Part 1 of Division 4 of the Business and Professions Code),
20 and for such other and further relief as may be proper under
21 other applicable provisions of law.

22 Dated at Los Angeles, California
23 this 10th day of March, 2000.

24
25 THOMAS MCCRADY

Deputy Real Estate Commissioner

26 cc: EIR Realty, Inc.
Thomas McCrady
27 Sacto.
MB

