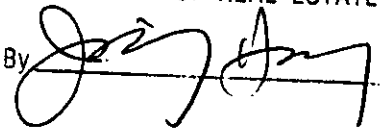


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FILED
DEC 15 2000

DEPARTMENT OF REAL ESTATE

By 

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)

No. H-28697 LA

THE BECKER GROUP, INC.,)
and JEFFREY REYNOLDS BECKER,)

L-2000090289

Respondent(s).)
_____)

DECISION

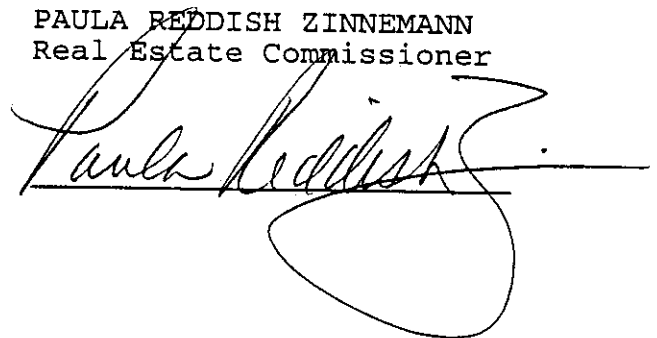
The Proposed Decision dated November 29, 2000,
of the Administrative Law Judge of the Office of
Administrative Hearings, is hereby adopted as the Decision
of the Real Estate Commissioner in the above-entitled
matter.

This Decision shall become effective at 12 o'clock
noon on January 4, 2001.

IT IS SO ORDERED

December 19, 2000.

PAULA REDDISH ZINNEMANN
Real Estate Commissioner



DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of)	No. H- 28697 LA
)	
THE BECKER GROUP, INC.)	OAH No. L-2000090289
and JEFFREY REYNOLDS)	
BECKER,)	
)	
Respondents.)	
)	
)	

PROPOSED DECISION

This case was tried before Paul M. Hogan, Administrative Law Judge of the Office of Administrative Hearings, at Los Angeles, California on November 7, 2000.

James R. Peel, counsel, represented complainant. Jeffrey R. Becker, respondent, appeared for himself, and as President of the corporate respondent, The Becker Group, Inc. Neither respondent was represented by counsel.

The parties presented oral and documentary evidence. The Administrative Law Judge proposes:

Factual Findings

1. Complainant, Thomas McCrady, is a Deputy Real Estate Commissioner of the State of California and caused the accusatory pleadings to be filed and served while acting solely in his official capacity.

2. THE BECKER GROUP, INC., and JEFFREY REYNOLDS BECKER (respondents) are presently licensed and have licensing rights under the Real Estate Law. The corporate respondent is licensed as a corporate real estate broker, and the respondent JEFFREY REYNOLDS BECKER is licensed as the designated broker officer of the corporation.

3. Each of the respondents on behalf of others in expectation of compensation, engaged in the business, acted in the capacity of, advertised or assumed to act as real estate brokers in the State of California, including soliciting owners and renters and collecting rents from real property.

4. During 1999, in connection with the aforesaid real estate brokerage activities, respondent THE BECKER GROUP, INC. accepted or received funds from owners and renters and thereafter made disbursements of such funds. Respondents maintained trust account No. 31007615, City National Bank, 500 Esplanade Drive, Oxnard, California.

5. In connection with their activities as real estate brokers, respondent violated section 10145(a) of the Business and Professions Code and Regulation 2832.1 by maintaining a shortage in the trust account as of November 30, 1999 of \$14,467.50.

6. The shortage occurred because Jeffrey Becker, relying upon the supposed deposit of a partner's capital contribution in that sum, wrote checks on the trust account in the absence of specific knowledge of the existing balance therein. The fact was that the contribution was made a few days subsequent to November 30, 1999, and the said shortage in the trust account did, in fact, exist on that date. However, the shortage was cured on December 6, 1999; it had existed during the audit period, but before the auditor had begun her examination.

7. The partnership alluded to in Finding 6 above, was known as Matilija Investors. Jeffrey Becker, in order to preclude the possibility of a recurrence of the problem which led to the brief shortage, has created a separate trust account for Matilija Investors. In addition he has reassigned banking duties among certain of his employees. In addition, Mr. Becker has recently taken 45 hours of courses covering ethics, professional conduct, agency, and trust fund accounting and handling.

8. Mr. Becker has been in real estate since 1986, and has had a broker's license since 1992. He has no history of formal disciplinary action.¹

9. Mr. Becker has been active in his community. He supports the Ventura County Historical Society, and the local chapter of the American Youth Soccer Association. He is treasurer of the Building Owners and Managers Association, and is active in the Commercial Investors Real Estate Institute, a lobbying group.

¹ The record reflects issuance of one desist and refrain order against him in 1999, but there are no records of consequent disciplinary proceedings.

Legal Conclusions


Cause for discipline has been established pursuant to Sections 10177(d) and 10177(h) of the Business and Professions Code.

It is determined that the public interest will be adequately protected by imposition of a public reprimand. Distribution and service of this decision shall constitute a sufficient publication.

Order

Respondents are hereby publicly reprimanded for their negligence in permitting a shortage to exist in their trust account for six days.

November 29, 2000


PAUL M. HOGAN
Administrative Law Judge
Office of Administrative Hearings

San Jose

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

SEP 26 2000
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

THE BECKER GROUP, INC., et al.,

By *R. M. Maderholt*
Case No. H- 28697 LA

OAH No. L-2000090289

Respondent

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 W. Fourth Street, Ste. 630
Los Angeles, CA

on November 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: September 26, 2000

By

James R. Peel
Counsel

cc: The Becker Group, Inc.
Jeffrey Reynolds Becker
Sacto
OAH
JP

kw

RE 501 (Rev. 8/97)

1 JAMES R. PEEL, Counsel (SBN 47055)
2 Department of Real Estate
3 320 West Fourth Street, Ste. 350
4 Los Angeles, California 90013-1105

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

FILED
AUG 17 2000
DEPARTMENT OF REAL ESTATE

By K. Hudek

9 DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * * * *

12 In the Matter of the Accusation of) No. H-28697 LA
13 THE BECKER GROUP, INC.,)
14 and JEFFREY REYNOLDS BECKER,) ACCUSATION
15 Respondents.)

16 The Complainant, Thomas McCrady, a Deputy Real Estate
17 Commissioner of the State of California, for cause of Accusation
18 against THE BECKER GROUP, INC., and JEFFREY REYNOLDS BECKER,
19 alleges as follows:

20 I

21 The Complainant, Thomas McCrady, acting in his official
22 capacity as a Deputy Real Estate Commissioner of the State of
23 California, makes this Accusation against THE BECKER GROUP, INC.,
24 and JEFFREY REYNOLDS BECKER.

25 II

26 THE BECKER GROUP, INC., and JEFFREY REYNOLDS BECKER
27 (hereinafter referred to as Respondents) are presently licensed

1 and/or have license rights under the Real Estate Law (Part 1 of
2 Division 4 of the Business and Professions Code, hereinafter
3 "Code").
4

5 III

6 At all times herein mentioned, respondent THE BECKER
7 GROUP, INC., was licensed by the Department of Real Estate of the
8 State of California as a corporate real estate broker, and
9 respondent JEFFREY REYNOLDS BECKER was licensed as the designated
10 broker officer of said corporation, and ordered, authorized or
11 participated in the illegal conduct of respondent THE BECKER
12 GROUP, INC., as alleged in this Accusation. Respondents were
13 previously the recipients of a Desist and Refrain Order in Case
14 No. H-28226 LA, filed September 14, 1999.

15 IV

16 At all times herein mentioned, respondent THE BECKER
17 GROUP, INC., on behalf of others in expectation of compensation,
18 engaged in the business, acted in the capacity of, advertised or
19 assumed to act as a real estate broker in the State of California
20 within the meaning of Section 10131(b) of the Code, including
21 soliciting owners and renters and collecting rents from real
22 property.

23 V

24 During 1999, in connection with the aforesaid real
25 estate brokerage activities, respondent THE BECKER GROUP, INC.,
26 accepted or received funds from owners and renters and thereafter
27 made disbursements of such funds. Respondent maintained trust

1 account No. 31007615, City National Bank, 500 Explanade Dr.,
2 Oxnard.

3 VI

4 In connection with respondents' activities as a real
5 estate broker as described above, respondents THE BECKER GROUP,
6 INC., and JEFFREY REYNOLDS BECKER, acted in violation of the Real
7 Estate Law, Business and Professions Code (hereinafter Code), and
8 California Code of Regulations (hereinafter Regulations), Title
9 10, Chapter 6, as follows:

10 1. Violated Section 10145(a) of the Code and Regulation
11 2832.1 by maintaining a shortage in the trust account as of
12 November 30, 1999, in the amount of \$14,467.60.

13 VII

14 The conduct of respondent THE BECKER GROUP, INC., as
15 alleged above, subjects its real estate license and license rights
16 to suspension or revocation pursuant to Sections 10177(d) and
17 10177(g) of the Code.

18 VIII

19 The conduct of respondent JEFFREY REYNOLDS BECKER, as
20 alleged above, as the responsible broker, by allowing and
21 permitting respondent THE BECKER GROUP, INC., to engage in the
22 conduct specified in Paragraph VI above, subjects his real estate
23 licenses and license rights to suspension or revocation pursuant
24 to Sections 10177(d) and 10177(h) of the Code.

25 /

26 /

27 /

1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and, that upon
3 proof thereof, a decision be rendered imposing disciplinary action
4 against all licenses and license rights of respondent THE BECKER
5 GROUP, INC., and JEFFREY REYNOLDS BECKER under the Real Estate Law
6 (Part 1 of Division 4 of the Business and Professions Code) and
7 for such other and further relief as may be proper under other
8 applicable provisions of law.

9 Dated at Los Angeles, California
10 this 17th day of August, 2000.
11

12 THOMAS MC CRADY

13 Deputy Real Estate Commissioner
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cc: The Becker Group, Inc.
Jeffrey Reynolds Becker
Sacto
JP