

FILED
AUG - 2 2002
DEPARTMENT OF REAL ESTATE

BEFORE THE DEPARTMENT OF REAL ESTATE ~~BY _____~~

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of) No. H-29461 LA
)
RMB INVESTMENT, INC., dba)
Beachside Mortgage One and)
formerly dba Beachside Mortgage,)
)
Respondent.)
_____)

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 July 17, 2002, 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

1.

On April 24, 2002, Maria Suarez made the Accusation in her 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 mail, return receipt requested, to Respondent at its last known mailing address on file with the Department on April 24, 2002, and signed for on April 25, 2002 by S. Ballad, its agent. Additional mailings were made to Respondent RMB INVESTMENT, INC., care of its last known designated broker officer of record, George Anderson, and to the agent for service of process, Mark Alston. Both of these mailings were signed for.

2.

On July 17, 2002, 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.

3.

Respondent RMB INVESTMENT, INC. (hereinafter "RMB") is presently licensed and at all times relevant herein was licensed or had license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code (hereinafter "Code") as a corporate real estate broker.

4.

From March 24, 1999 through July 7, 2000, Respondent RMB was authorized to act by and through Elmer Mondy as the designated officer and broker responsible, pursuant to the provisions of Code Section 10159.2 for the supervision and control of the activities conducted on behalf of Respondent RMB by RMB's officers and employees. Effective March 15, 2001 to the present, Respondent RMB is authorized to act by and through George W. Anderson as the designated officer and broker responsible for the supervision and control of the activities conducted on behalf of Respondent RMB.

5.

Between July 7, 2000 and March 14, 2001, there was no officer broker designated to be responsible for the supervision and control of the activities conducted on behalf of Respondent RMB by its officers and employees.

6.

At all times relevant herein, Respondent RMB was and is a corporation, organized and incorporated under the laws of the State of California. R. Rene West is and was Respondent RMB's Chief Executive Officer. Mark Alston is and was its Secretary and President and Beverly White is and was its Chief Financial Officer and Vice President. Mark Alston is the designated agent for service of process listed with the California Secretary of State's Corporate Status Unit.

7.

On or about January 26, 2001, Respondent RMB, via its designated agent for service of process, Mark Alston, was served

with a Subpoena Duces Tecum alleging sufficient cause to require Respondent to produce (or make available for examination, inspection or copying) the following material connected with a transaction or transactions for which a real estate broker license is required:

1. All records of trust funds received and placed in the broker's trust account and general accounts including, but not limited to, the bank statements, canceled checks and deposit slip receipts from April 1, 1999 through June 30, 2000;

2. All columnar and/or records showing receipt and disbursement of trust funds either placed in broker's trust account or trust funds received and not placed in broker's trust account from April 1, 1999 through June 30, 2000;

3. All broker's bank trust account signature cards controlling deposits to and withdrawals from broker's trust fund accounts from April 1, 1999 through June 30, 2000.

Respondent failed to produce any of the material requested pursuant to the Subpoena Duces Tecum, in violation of Code Section 10148.

8.

On or about September 25, 2001, Respondent RMB, via its designated broker officer, George W. Anderson, was personally served with a Subpoena Duces Tecum alleging sufficient cause to require Respondent to produce (or make available for examination, inspection or copying) the following material connected with a transaction or transactions for which a real estate broker license is required:

1. All records of trust funds received and placed in the broker's trust account and general accounts including, but not limited to, the bank statements, canceled checks and deposit slip receipts from April 1, 1999 through June 30, 2000;

2. All columnar and/or records showing receipt and disbursement of trust funds either placed in broker's trust account or trust funds received and not placed in broker's trust account from April 1, 1999 through June 30, 2000;

3. All broker's bank trust account signature cards controlling deposits to and withdrawals from broker's trust fund accounts from April 1, 1999 through June 30, 2000.

Respondent failed to produce any of the material requested pursuant to the Subpoena Duces Tecum, in violation of Code Section 10148.

DETERMINATION OF ISSUES

1.

The facts alleged above are grounds for the suspension or revocation of Respondent RMB's licenses and license rights pursuant to Code Section 10177(d).

2.

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

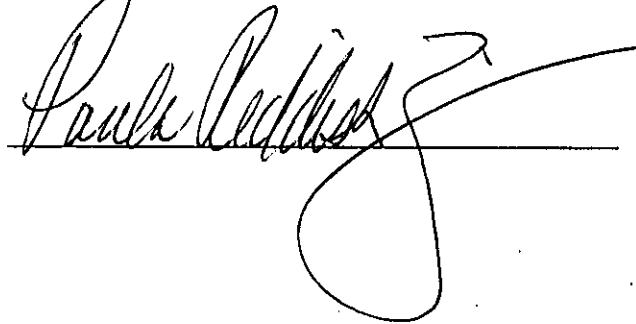
ORDER

The license and license rights of Respondent RMB INVESTMENT, INC., dba Beachside Mortgage One and formerly dba Beachside Mortgage, under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on August 22, 2002.

IT IS SO ORDERED

July 29, 2002.
PAULA REDDISH ZINNEMANN
Real Estate Commissioner



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

FILED
JUL 17 2002
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 RMB INVESTMENT, INC., dba) NO. H-29461 LA
13 Beachside Mortgage One and) DEFAULT ORDER
14 formerly dba Beachside Mortgage,)
15 Respondent.)

16 Respondent, RMB INVESTMENT, INC., dba Beachside
17 Mortgage One and formerly dba Beachside Mortgage, having failed
18 to file a Notice of Defense within the time required by
19 Section 11506 of the Government Code, is now in default.
20 It is, therefore, ordered that a default be entered on the
21 record in this matter.

22 IT IS SO ORDERED July 17, 2002

23 PAULA REDDISH ZINNEMANN
24 Real Estate Commissioner

25 
26 By: DOLORES RAMOS
27 Regional Manager

1 MARTHA J. ROSETT, Counsel (SBN 142072)
Department of Real Estate
2 320 West Fourth St., #350
3 Los Angeles, CA 90013

4 (213) 576-6982
5 (213) 576-6914

FILED
APR 24 2002
DEPARTMENT OF REAL ESTATE

[Signature]

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * * *

11
12 In the Matter of the Accusation of) No. H-29461 LA
13 RMB INVESTMENT, INC., dba)
14 Beachside Mortgage One and) A C C U S A T I O N
15 formerly dba Beachside Mortgage,)
16 Respondent,)

17 The Complainant, Maria Suarez, a Deputy Real Estate
18 Commissioner, for cause of Accusation against RMB INVESTMENT,
19 INC., dba Beachside Mortgage One and formerly dba Beachside
20 Mortgage, is informed and alleges as follows:

21 1.

22 The Complainant, Maria Suarez, a Deputy Real Estate
23 Commissioner of the State of California, makes this Accusation in
24 her official capacity.

25 2.

26 At all times material herein, Respondent RMB
27

1 INVESTMENT, INC, dba Beachside Mortgage One and formerly dba
2 Beachside Mortgage (hereinafter "Respondent RMB"), was and now is
3 presently licensed by the Department of Real Estate (hereinafter,
4 "Department") and/or has license rights under the Real Estate
5 Law, Part 1 of Division 4 of the California Business and
6 Professions Code (hereinafter "Code") as a corporate real estate
7 broker.

8 3.

9 From on or about March 24, 1999 through July 7, 2000,
10 Respondent RMB was authorized to act by and through Elmer Mondy
11 as the designated officer and broker responsible, pursuant to the
12 provisions of Code Section 10159.2 for the supervision and
13 control of the activities conducted on behalf of Respondent RMB
14 by RMB's officers and employees. Effective March 15, 2001 to the
15 present, Respondent RMB is authorized to act by and through
16 George W. Anderson as the designated officer and broker
17 responsible for the supervision and control of the activities
18 conducted on behalf of Respondent RMB.

19 4.

20 Between July 7, 2000 and March 14, 2001, there was no
21 officer broker designated to be responsible for the supervision
22 and control of the activities conducted on behalf of Respondent
23 RMB by its officers and employees.

24 5.

25 At all times relevant herein, Respondent RMB was and is
26 a corporation, organized and incorporated under the laws of the
27 State of California. R. Rene West is and was Respondent RMB's

1 Chief Executive Officer. Mark Alston is and was its Secretary
2 and President and Beverly White is and was its Chief Financial
3 Officer and Vice President. Mark Alston is the designated agent
4 for service of process listed with the California Secretary of
5 State's Corporate Status Unit.

6 6.

7 On or about January 26, 2001, Respondent RMB, via its
8 designated agent for service of process, Mark Alston, was served
9 with a Subpoena Duces Tecum alleging sufficient cause to require
10 Respondent to produce (or make available for examination,
11 inspection or copying) the following material connected with a
12 transaction or transactions for which a real estate broker
13 license is required:

14 1. All records of trust funds received and placed in
15 the broker's trust account and general accounts including, but
16 not limited to, the bank statements, canceled checks and deposit
17 slip receipts from April 1, 1999 through June 30, 2000;

18 2. All columnar and/or records showing receipt and
19 disbursement of trust funds either placed in broker's trust
20 account or trust funds received and not placed in broker's trust
21 account from April 1, 1999 through June 30, 2000;

22 3. All broker's bank trust account signature cards
23 controlling deposits to and withdrawals from broker's trust fund
24 accounts from April 1, 1999 through June 30, 2000.

25 Respondent failed to produce any of the material
26 requested pursuant to the Subpoena Duces Tecum, in violation of
27

Code Section 10148.

7.

On or about September 24, 2001, Respondent RMB, via its designated broker officer, George W. Anderson, was personally served with a Subpoena Duces Tecum alleging sufficient cause to require Respondent to produce (or make available for examination, inspection or copying) the following material connected with a transaction or transactions for which a real estate broker license is required:

1. All records of trust funds received and placed in the broker's trust account and general accounts including, but not limited to, the bank statements, canceled checks and deposit slip receipts from April 1, 1999 through June 30, 2000;

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3. All broker's bank trust account signature cards controlling deposits to and withdrawals from broker's trust fund accounts from April 1, 1999 through June 30, 2000.

Respondent failed to produce any of the material requested pursuant to the Subpoena Duces Tecum, in violation of Code Section 10148.

8.

On or about September 24, 2001, Respondent RMB, via its

1 Chief Executive Officer, R. Rene West, was personally served with
2 a Subpoena Duces Tecum alleging sufficient cause to require
3 Respondent to produce (or make available for examination,
4 inspection or copying) the following material connected with a
5 transaction or transactions for which a real estate broker
6 license is required:

7 1. All records of trust funds received and placed in
8 the broker's trust account and general accounts including, but
9 not limited to, the bank statements, canceled checks and deposit
10 slip receipts from April 1, 1999 through June 30, 2000;

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12 disbursement of trust funds either placed in broker's trust
13 account or trust funds received and not placed in broker's trust
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15 3. All broker's bank trust account signature cards
16 controlling deposits to and withdrawals from broker's trust fund
17 accounts from April 1, 1999 through June 30, 2000.

18 Respondent failed to produce any of the material
19 requested pursuant to the Subpoena Duces Tecum, in violation of
20 Code Section 10148.
21

22 9.

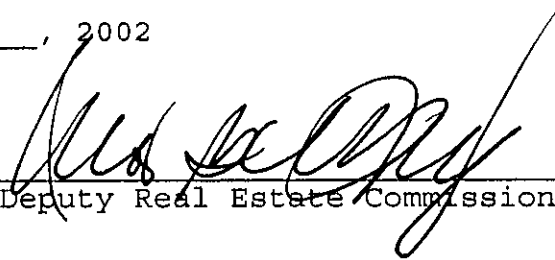
23 The facts alleged above are grounds for the suspension
24 or revocation of Respondent RMB's licenses and license rights
25 pursuant to Code Section 10177(d).

26 //

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
4 action against all licenses and/or license rights of Respondent
5 RMB INVESTMENT, INC., dba Beachside Mortgage One and formerly dba
6 Beachside Mortgage, under the Real Estate Law and for such other
7 and further relief as may be proper under applicable provisions
8 of law.

9 Dated at Los Angeles, California

10 this 23rd day of April, 2002

11
12
13 
14 Deputy Real Estate Commissioner
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16
17
18
19
20
21
22

23 cc: RMB Investments, Inc.
24 Sacto.
25 Maria Suarez
26 LF
27