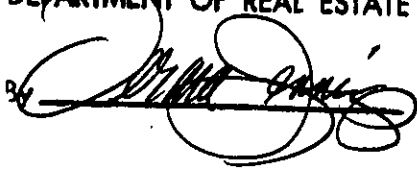


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FILED
AUG - 6 2008
DEPARTMENT OF REAL ESTATE



BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-29803 LA
)
JOHN FRANCIS CHRISTOPHER WRIGHT,)
)
Respondent.)

ORDER GRANTING REINSTATEMENT OF LICENSE

On September 4, 2003, a Decision was rendered herein revoking Respondent's real estate broker license, but granting Respondent the right to the issuance of a restricted real estate broker license. A restricted real estate broker license was issued to Respondent or about September 30, 2003, and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

On or about February 6, 2006, Respondent petitioned for reinstatement of said real estate broker license and the Attorney General of the State of California has been given notice of the filing of said petition.

1 I have considered the petition of Respondent and the
2 evidence and arguments in support thereof including Respondent's
3 record as a restricted licensee. Respondent has demonstrated
4 to my satisfaction that Respondent meets the requirements of law
5 for the issuance to Respondent of an unrestricted real estate
6 broker license and that it would not be against the public
7 interest to issue said license to Respondent.

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

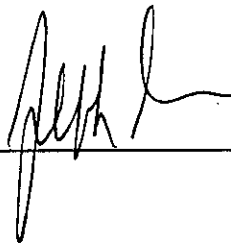
13 1. Submittal of a completed application and payment
14 of the fee for a real estate broker license.

15 2. Submittal of evidence of having, since the most
16 recent issuance of an original or renewal real estate license,
17 taken and completed the trust fund accounting and handling
18 course specified in paragraph (3), subdivision (a) of Section
19 10170.5 of the Business and Professions Code.

21 This Order shall become effective immediately.

22 DATED: _____

23 JEFF DAVI
24 Real Estate Commissioner

25
26 
27

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

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

FILED
SEP 10 2003
DEPARTMENT OF REAL ESTATE

By Laura B. Shaw

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

10 * * *

11 In the Matter of the Accusation of)
12) DRE No. H-29803 LA
13 JOHN FRANCIS CHRISTOPHER WRIGHT,) OAH No. L-2002120739
14 dba Wright Property Management,) STIPULATION AND AGREEMENT
15)
16 Respondent.)
17)

18 It is hereby stipulated by and between JOHN FRANCIS
19 CHRISTOPHER WRIGHT, dba Wright Property Management, (sometimes
20 referred to herein as "Respondent"), acting on his own behalf,
21 and the Complainant, acting by and through Martha J. Rosett,
22 Counsel for the Department of Real Estate, as follows for the
23 purpose of settling and disposing of the Accusation filed on
24 November 27, 2002 in this matter:

- 25 1. All issues which were to be contested and all
26 evidence which was to be presented by Complainant and
27 Respondent at a formal hearing on the Accusation, which hearing

1 was to be held in accordance with the provisions of the
2 Administrative Procedure Act (APA), shall instead and in place
3 thereof be submitted solely on the basis of the provisions of
4 this Stipulation and Agreement.

5 2. Respondent has received, read and understands the
6 Statement to Respondent, the Discovery Provisions of the APA
7 and the Accusation filed by the Department of Real Estate in
8 this proceeding.

9 3. On December 9, 2002, Respondent filed a Notice of
10 Defense pursuant to Section 11506 of the Government Code for
11 the purpose of requesting a hearing on the allegations in the
12 Accusation. In order to effectuate this settlement, Respondent
13 hereby freely and voluntarily withdraws said Notice of Defense.
14 Respondent acknowledges that he understands that by withdrawing
15 said Notice of Defense, he will thereby waive his rights to
16 require the Commissioner to prove the allegations in the
17 Accusation at a contested hearing held in accordance with the
18 provisions of the APA and that he will waive other rights
19 afforded to him in connection with the hearing such as the
20 right to present evidence in defense of the allegations in the
21 Accusation and the right to cross-examine witnesses.

22 4. Respondent, pursuant to the limitations set forth
23 below, although not admitting or denying the truth of the
24 allegations, will not contest the factual allegations contained
25 in the Accusation filed in this proceeding and the Real Estate
26 Commissioner shall not be required to provide further evidence
27 of such 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
5 rights as set forth in the below "Order". In the event that
6 the Commissioner in her discretion does not adopt the
7 Stipulation and Agreement, it shall be void and of no effect,
8 and Respondent shall retain the right to a hearing and
9 proceeding on the Accusation under all the provisions of the
10 APA and shall not be bound by any stipulation or waiver made
11 herein.

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

19 7. The Stipulation is entered into by each party
20 with the express understanding and agreement that it is to be
21 used for the purposes of settling these proceedings only and
22 that this stipulation shall not be deemed, used, or accepted as
23 an acknowledgment or stipulation in any other civil or
24 administrative proceeding to which this Department is not a
25 party. Said stipulation is expressly limited to these
26 proceedings and to any further proceeding initiated by or
27 brought before the Department of Real Estate, and shall have no

1 239121136, "Trust Account #3) have been cured, including the
2 identity of the source of funds used to cure the deficits; and

3 The restricted license issued to Respondent shall be
4 subject to all of the provisions of Section 11056.7 of the
5 Business and Professions Code and to the following limitations,
6 conditions and restrictions imposed under authority of Section
7 10156.6 of that Code:

8 1. The restricted license issued to Respondent may
9 be suspended prior to hearing by Order of the Real Estate
10 Commissioner in the event of Respondent's conviction or
11 plea of nolo contendere to a crime which is substantially
12 related to Respondent's fitness or capacity as a real
13 estate licensee.

14 2. The restricted license issued to Respondent may
15 be suspended prior to hearing by Order of the Real Estate
16 Commissioner on evidence satisfactory to the Commissioner
17 that Respondent has violated provisions of the California
18 Real Estate Law, the Subdivided Lands Law, Regulations of
19 the Real Estate Commissioner, or conditions attaching to
20 the restricted license.

21 3. Respondent shall not be eligible to apply for
22 the issuance of an unrestricted real estate license nor
23 for the removal of any of the conditions, limitations or
24 restrictions of a restricted license until two (2) years
25 have elapsed from the effective date of this Decision.

26 ///

27

1 4. Respondent shall, within nine (9) months from
2 the effective date of this Decisions, present evidence
3 satisfactory to the Real Estate Commissioner that
4 Respondent has, since the most recent issuance of an
5 original or renewal real estate license, taken and
6 successfully completed the continuing education
7 requirements of Article 2.5 of Chapter 3 of the Real
8 Estate Law for renewal of a real estate license. If
9 Respondent fails to satisfy this condition, the
10 Commissioner may order the suspension of the restricted
11 license until the Respondent presents such evidence.
12 The Commissioner shall afford Respondent the opportunity
13 for a hearing pursuant to the Administrative Procedure
14 Act to present such evidence.

15 II. Any restricted real estate license issued to
16 Respondent pursuant to this Decision shall be suspended for
17 ninety (90) days from the date of issuance of said restricted
18 license.

19 A. Provided, however, that sixty (60) days of said
20 suspension shall be stayed for two (2) years upon the
21 following terms and conditions:

22 1. Respondent shall obey all laws, rules and
23 regulations governing the rights, duties and responsibilities
24 of a real estate licensee in the State of California; and

25 ///

26 ///

27

1 2. That no final subsequent determination be made,
2 after hearing or upon stipulation, that cause for disciplinary
3 action occurred within two (2) years of the effective date of
4 this Decision. Should such a determination be made, the
5 Commissioner may, in her discretion, vacate and set aside the
6 stay order and reimpose all or a portion of the stayed
7 suspension. Should no such determination be made, the stay
8 imposed herein shall become permanent.

9 B. Provided, however, that if Respondent petitions,
10 the initial thirty (30) days of said ninety (90) day suspension
11 shall be stayed upon condition that:

12 1. Respondent pays a monetary penalty pursuant to
13 Section 10175.2 of the Business and Professions Code at the
14 rate of \$300 for each day of the suspension for a total
15 monetary penalty of \$9,000.

16 2. Said payment shall be in the form of a cashier's
17 check or certified check made payable to the Recovery Account
18 of the Real Estate Fund. Said check must be received by the
19 Department prior to the effective date of the Decision in this
20 matter.

21 3. No further cause for disciplinary action against
22 the real estate license of Respondent occurs within two years
23 of the Decision in this matter.

24 4. If Respondent fails to pay the monetary penalty
25 in accordance with the terms and conditions of the Decision,
26 the Commissioner may, without a hearing, order the immediate
27 execution of all or any part of the stayed suspension in which

1 event the Respondent shall not be entitled to any repayment nor
2 credit, prorated or otherwise, for the money paid to the
3 Department under the terms of this Decision.

4 5. If Respondent pays the monetary penalty and if no
5 further cause for disciplinary action against the real estate
6 license of Respondent occurs within two years from the
7 effective date of the Decision, the stay hereby granted shall
8 become permanent.

9 III. All licenses and licensing rights of
10 Respondent shall be indefinitely suspended unless or until he
11 provides proof satisfactory to the Commissioner, of having
12 taken and successfully completed the trust fund accounting and
13 handling course specified in paragraph (3) of subdivision (a)
14 of Business and Professions Code Section 10170.5. Proof of
15 satisfaction of this requirement includes evidence that
16 Respondent has successfully completed the trust fund accounting
17 and handling continuing education course within 120 days prior
18 to the effective date of the Decision in this matter.

19 IV. Pursuant to Section 10148 of the Business and
20 Professions Code, Respondent JOHN FRANCIS CHRISTOPHER WRIGHT
21 shall pay the Commissioner's reasonable cost for: a) the audit
22 which led to this disciplinary action and, b) a subsequent
23 audit to determine if Respondent has corrected the trust fund
24 violations found in the Determination of Issues. In
25 calculating the amount of the Commissioner's reasonable cost,
26 the Commissioner may use the estimated average hourly salary
27 for all persons performing audits of real estate brokers, and

1 shall include an allocation for travel costs, including mileage
2 to and from the auditor's place of work and per diem.
3 Respondent shall pay such cost within 60 days of receiving an
4 invoice from the Commissioner detailing the activities
5 performed during the audit and the amount of time spent
6 performing those activities. The Commissioner may, suspend the
7 restricted license issued to Respondent pending a hearing held
8 in accordance with Section 11500, et seq., of the Government
9 Code, if payment is not timely made as provided for herein, or
10 as provided for in a subsequent agreement between the
11 Respondent and the Commissioner. The suspension shall remain
12 in effect until payment is made in full or until Respondent
13 enters into an agreement satisfactory to the Commissioner to
14 provide for payment, or until a decision providing otherwise
15 is adopted following a hearing held pursuant to this condition.

16 DATED: 7/11/03

Martha J. Rosett
MARTHA J. ROSETT
Counsel for Complainant


18 * * *

19 I have read the Stipulation and Agreement, have
20 discussed it with my attorney, and its terms are understood by
21 me and are agreeable and acceptable to me. I understand that I
22 am waiving rights given to me by the California Administrative
23 Procedure Act (including but not limited to Sections 11506,
24 11508, 11509 and 11513 of the Government Code), and I
25 willingly, intelligently and voluntarily waive those rights,
26 including the right of requiring the Commissioner to prove the
27

1 allegations in the Accusation at a hearing at which I would
2 have the right to cross-examine witnesses against me and to
3 present evidence in defense and mitigation of the charges.

4 Respondent can signify acceptance and approval of the
5 terms and conditions of this Stipulation and Agreement by faxing
6 a copy of its signature page, as actually signed by Respondent,
7 to the Department at the following fax number (213) 576-6917.
8 Respondent agrees, acknowledges and understands that by
9 electronically sending to the Department a fax copy of his actual
10 signature as it appears on the Stipulation, that receipt of the
11 faxed copy by the Department shall be as binding on Respondent as
12 if the Department had received the original signed Stipulation
13 and Agreement.

14 DATED: July 8th 2003



JOHN FRANCIS CHRISTOPHER WRIGHT

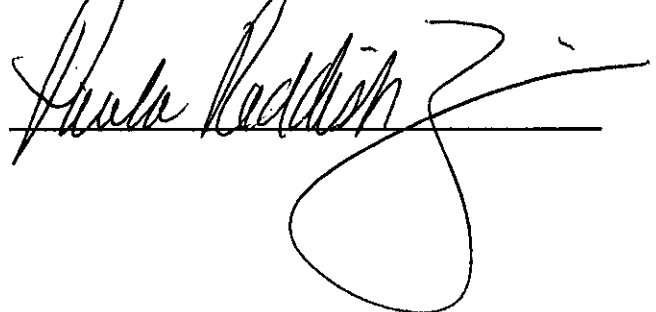
16 * * *

17 The foregoing Stipulation and Agreement is hereby
18 adopted as my Decision in this matter and shall become
19 effective at 12 o'clock noon on September 30, 2003.

20 IT IS SO ORDERED

September 4, 2003.

21
22 PAULA REDDISH ZINNEMANN
Real Estate Commissioner

23
24 

25
26
27

Such Day

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
JAN 24 2003
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation)
JOHN FRANCIS CHRISTOPHER WRIGHT,)
dba Wright Property Management,)
Respondent(s).)

Case No. H-29803 LA
OAH No. L-2002120739

Jana B. Dow

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, 6th Floor, Suite 630, Los Angeles, California, on JULY 15, 2003, 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 upon you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of 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: January 24, 2003

DEPARTMENT OF REAL ESTATE

By:

Martha J. Rosett
MARTHA J. ROSETT, Counsel

cc: John Francis Christopher Wright
Sacto.
OAH

*Sacto
Jag*

1 MARTHA J. ROSETT, Counsel (SBN 142072)
2 Department of Real Estate
3 320 West Fourth Street, Suite #350
4 Los Angeles, California 90013-1105
5 (213) 576-6982
6 (213) 576-6914

FILED
NOV 27 2002
DEPARTMENT OF REAL ESTATE
By *Sandra B. Mon*

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

10 * * * * *

11 In the Matter of the Accusation of) No. H-29803 LA
12)
13 JOHN FRANCIS CHRISTOPHER WRIGHT,) A C C U S A T I O N
14 dba Wright Property Management,)
15 Respondent.)

16 The Complainant, Maria Suarez, a Deputy Real Estate
17 Commissioner of the State of California, for cause of Accusation
18 against JOHN FRANCIS CHRISTOPHER WRIGHT, dba, "Wright Property
19 Management," is informed and alleges as follows:

20
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 JOHN FRANCIS
27 CHRISTOPHER WRIGHT, dba, "Wright Property Management,"

1 (hereinafter "Respondent WRIGHT"), was and now is presently
2 licensed and/or has license rights under the Real Estate Law,
3 Part 1 of Division 4 of the California Business and Professions
4 Code (hereinafter "Code"), as a real estate broker.

5 3.

6 All further references to "Respondent", unless
7 otherwise specified, include the party identified in Paragraph 2
8 above, and also includes the officers, directors, employees,
9 agents and real estate licensees employed by or associated with
10 said parties, who at all times material herein were engaged in
11 the furtherance of the business or operations of said parties and
12 who were acting within the course and scope of their authority,
13 agency or employment.

14 4.

15 At all times material herein, Respondent engaged in the
16 business of, acted in the capacity of, advertised or assumed to
17 act as a real estate broker in the State of California, within
18 the meaning of Code Section 10131(b), for another or others, for
19 or in expectation of compensation. Said activity included
20 performing property management activities, including the
21 collection of rents and monthly dues on behalf of the owners of
22 rental properties and homeowners associations.

23 5.

24 During the period between January 1, 2001 through
25 December 31, 2001, in connection with the aforesaid real estate
26 brokerage activities, Respondents accepted or received funds,
27 including funds in trust (hereinafter "trust funds") from or on

1 behalf of actual and prospective owners, renters and associations
2 and thereafter made deposits and/or disbursements of such funds.
3 From time to time herein mentioned, said trust funds were
4 deposited into one of twelve trust accounts, including 11
5 maintained by Respondent at Citizens Business Bank, 973 E.
6 Badillo St., Covina, CA 91723, identified as follows:

7 a) Account No. 239121160, known as the "Wright
8 Property Management, dba Wright: JF Christopher and Kathleen
9 M," (hereinafter "Trust Account #1"). This account was used
10 as a depository for trust funds received on behalf of
11 several property owners.

12 b) Account No. 239121101, known as the "Wright
13 Property Management, account of Vineland Jey Apartments,"
14 (hereinafter "Trust Account #2"). This account was used as a
15 depository for trust funds from one individual property
16 owner.

17 c) Account No. 239121136, known as the "Wright
18 Property Management, account of Marvin A. Garland," ("Trust
19 Account #3"). This account was used as a depository for
20 trust funds from one individual property owner.

21 d) Account No. 239121152, known as the "Wright
22 Property Management, account of Yang," ("Trust Account #4").
23 This account was used as a depository for trust funds from
24 one individual property owner.

25 e) Account No. 239121128, known as the "Wright
26 Property Management, account of Dale and Alice Johnson,"
27 ("Trust Account #5"). This account was used as a depository

1 for trust funds from one individual property owner.

2 f) Account No. 239121144, known as the "Wright
3 Property Management, account of Lopes/Woolbright," ("Trust
4 Account #6"). This account was used as a depository for
5 trust funds from one individual property owner.

6 g) Account No. 239114075, known as the "S.G.V.S.C.
7 Building Partnership," ("Trust Account #7"). This account
8 was used as a depository for trust funds from one individual
9 property owner.

10 h) Account No. 239307671, known as the "S.G.V.S.C.
11 Bldg. Partnership," ("Trust Account #8"). This account was
12 used as a depository for trust funds from one individual
13 property owner.

14 i) Account No. 239121063, known as the "Newmark Hills
15 HOA," ("Trust Account #9"). This account was used as a
16 depository for trust funds from one HOA.

17 j) Account No. 239121071, known as the "Olive Villa
18 Homeowners Association, Inc.," ("Trust Account #10"). This
19 account was used as a depository for trust funds from one
20 HOA.

21 k) Account No. 239121098, known as the "Royal
22 Village, HOA, Inc.," ("Trust Account #11"). This account
23 was used as a depository for trust funds from one HOA.

24 l) An additional trust account was held at United
25 California Bank, located at 770 S. Citrus Ave., Covina, CA
26 91722: Account No. 052315729, known as the "Doctors
27 Professional Building," ("Trust Account #12"). This account

1 was used as a depository for trust funds.

2 m) In addition to the above trust fund accounts,
3 Respondent maintained two general operating accounts, one of
4 which is a money market account.

5 6.

6 On or about March 26, 2002, the Department completed
7 its examination of Respondent WRIGHT's books and records,
8 pertaining to the property management real estate activities
9 described in Paragraphs 4 and 5 above, covering a period from
10 approximately January 1, 2001 through December 31, 2001. The
11 primary purpose of the examination was to determine Respondent's
12 compliance with the Real Estate Laws. The examination, Audit
13 #LA 010330, revealed violations of the Code and of Title 10,
14 Chapter 6, California Code of Regulations ("Regulations"), as set
15 forth below, and as more specifically set forth in the audit
16 reports and attached exhibits.

17 7.

18 In the course of activities described in Paragraphs 4
19 and 5 above, and during the examination period described in
20 Paragraph 6, Respondent acted in violation of the Code and the
21 Regulations in that:

22 a) Trust Account #1 had a shortage of \$56,399.05 as
23 of December 31, 2001. Trust Account #2 had a shortage of
24 \$13,093.99 as of December 31, 2001. Trust Account #3 had a
25 shortage of \$13,386.93 as of December 31, 2001. The broker did
26 not obtain written authorization from every principal who owned
27 funds in the trust account prior to each disbursement that

1 reduced the balance of funds in the account to an amount less
2 than the existing aggregate trust fund liability of the broker to
3 all owners of the funds. In addition, the broker transferred
4 funds from trust fund accounts to general accounts with
5 permission from the principals, which caused the shortage. Each
6 of these shortages is in violation of Code Section 10145 and
7 Regulation 2832.1.

8 b) Trust funds were deposited into accounts that were
9 not designated as trust accounts. All but one of the accounts
10 were not properly held in the name of the broker as trustee.
11 This is in violation of Code Section 10145 and Regulation
12 2832(a).

13 c) As to Trust Accounts # 7, #8, and #12, the broker
14 allowed unlicensed individuals who were not employees of the
15 broker, specifically property owners, to be authorized
16 signatories on the accounts, in violation of Code Section 10145
17 and Regulation 2834.

18 d) The broker failed to maintain a record of the
19 reconciliation for each bank account which identified the bank
20 account name and number, date of the reconciliation, names of the
21 principals and the trust fund liabilities of the broker to each
22 of the principals, in violation of Code Section 10145 and
23 Regulation 2831.2.

24 e) The broker consistently transferred trust funds
25 from Trust Accounts #1, 2 and 3 into and out of the general money
26 market account, from which the broker benefited by earning
27 interest, in violation of Code Section 10145(e) and Regulation

1 2830.1(e).

2 f) The broker commingled his own money with trust
3 funds received and held by him. Trust funds and the broker's own
4 funds were mixed in the general accounts, in violation of Code
5 Section 10176(e).

6 The foregoing violations constitute cause for the
7 suspension or revocation of Respondent's real estate licenses and
8 license rights under the provisions of Code Sections 10177(d),
9 10176(e), and/or 10177(g).

10 WHEREFORE, Complainant prays that a hearing be
11 conducted on the allegations of this Accusation and that upon
12 proof thereof, a decision be rendered imposing disciplinary
13 action against all licenses and license rights of Respondent
14 JOHN FRANCIS CHRISTOPHER WRIGHT, dba "Wright Property
15 Management," under the Real Estate Law (Part 1 of Division 4 of
16 the Business and Professions Code), and for such other and
17 further relief as may be proper under other applicable provisions
18 of law.

19 Dated at Los Angeles, California

20 this 22nd day of November, 2002.

21
22 
23 Deputy Real Estate Commissioner
24

25 cc: John Francis Christopher Wright
26 Maria Suarez
27 Sacto.
EG
Audits(Chan)