

1 Department of Real Estate
2 320 West 4th Street, Ste. 350
3 Los Angeles, California 90013-1105
4 Telephone: (213) 576-6982
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FILED
JAN 27 2003
DEPARTMENT OF REAL ESTATE

By: *R. Medeiros*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 To:)
12)
13 CAPITAL COMMERCIAL REAL ESTATE)
14 SERVICES INC., doing business as)
15 NAI Capital Commercial; and RICHARD)
16 STEVEN GOLD, individually and as)
designated officer of Capital)
Commercial Real Estate Services Inc.)
)

No. H-29911 LA

ORDER TO DESIST

AND REFRAIN

17 The Real Estate Commissioner of the State of California
18 (hereinafter "Commissioner") has caused an investigation to be
19 made of your activities as real estate brokers and based upon the
20 findings of that investigation, as set forth below, is of the
21 opinion that you, CAPITAL COMMERCIAL REAL ESTATE SERVICES INC.,
22 doing business as NAI Capital Commercial, and you, RICHARD STEVEN
23 GOLD, individually and as designated officer of Capital
24 Commercial Real Estate Services Inc., violated Section 10145 of
25 the California Business and Professions Code (hereinafter "Code")
26
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1 and Sections 2831 and 2831.2 of Title 10, Chapter 6, California
2 Code of Regulations (hereinafter "Regulations").

3 1.

4 At all times material herein, you, CAPITAL COMMERCIAL
5 REAL ESTATE SERVICES INC., were and now are licensed by the
6 Department of Real Estate of the State of California (hereinafter
7 "Department") as a corporate real estate broker through GOLD as
8 the designated officer and broker responsible, pursuant to the
9 provisions of Code Section 10159.2, for supervising the
10 activities requiring a real estate license conducted on behalf of
11 CAPITAL by CAPITAL's officers, agents and employees.

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13 2.

14 At all times mentioned herein, you, RICHARD STEVEN GOLD
15 ("GOLD"), were and now are licensed by the Department as a real
16 estate broker, individually and as the designated officer of
17 CAPITAL. As the designated broker-officer, you, GOLD, currently
18 are and at all times material herein were responsible for the
19 supervision of the activities of the officers, agents and
20 employees of CAPITAL for which a license is required pursuant to
21 Code Section 10159.2.

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1 Prior Discipline

2 3.

3 On November 3, 1999, in Case No. H-28153 LA, a Decision
4 was rendered against Respondents CAPITAL COMMERCIAL REAL ESTATE
5 SERVICES INC., and RICHARD STEVEN GOLD, individually and as
6 designated officer of Capital Commercial Real Estate Services
7 Inc. for violations of Code Sections 10145 and 10177(d)
8 Regulations 2726 and 2832. Respondents' licenses were suspended
9 for thirty (30) days and stayed upon terms and conditions
10 including a chargeable audit.
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12 4.

13 All further references to "you" include the parties
14 identified in Paragraphs 1 and 2 above, and also include the
15 officers, directors, employees, agents and real estate licensees
16 employed by or associated with said parties and who at all times
17 herein mentioned were engaged in the furtherance of the business
18 or operations of said parties and who were acting within the
19 course and scope of their authority and employment.
20

21 5.

22 At all times herein mentioned, you, CAPITAL, engaged in
23 the business of, acted in the capacity of, advertised or assumed
24 to act as a real estate broker in the State of California, within
25 the meaning of Code Sections 10131(a) and 10131(b) as a
26 commercial resale and leasing broker.
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COMMERCIAL RESALE AND LEASING AUDIT

6.

On or about March 25, 2002, the Department completed an examination of CAPITAL's books and records pertaining to the activities described in Paragraph 5, above. The audit examination revealed violations of the Code and the Regulations as set forth below, and more fully discussed in Audit Report LA 010153 [Commercial Resale] and exhibits and workpapers attached to said audit report.

6.

The audit examination determined that, in connection with the commercial resale and leasing activities described in Paragraph 5, above, you, CAPITAL, accepted or received funds, including funds in trust ("trust funds") from or on behalf of actual or prospective parties to transactions handled by you and thereafter made deposit or disbursement of such funds. During the audit period you, CAPITAL, maintained one (1) trust account at the US Bank located at 16030 Ventura Blvd, Encino, CA 91436,

"Capital Commercial Real Estate Services Inc. Client Trust Account
Account No. 1-654-0000-2128"

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2 In the course of activities described in Paragraphs 5
3 and 6, and during the examination period described in Paragraph
4 6, you, CAPITAL, acted in violation of the Code and the
5 Regulations in that you:

6 (a) Failed to maintain a complete and accurate formal
7 trust fund receipts journal and a complete and accurate formal
8 trust fund disbursements journal with respect to earnest money
9 deposits and with respect to funds from commercial lease
10 transactions, in violation of Code Section 10145 and Regulation
11 2831.

12 (b) Failed to perform a monthly reconciliation of
13 aggregate balance of all separate beneficiary or transaction
14 records maintained pursuant to Regulation 2831.1 with the control
15 record of all trust funds received and disbursed required by
16 Regulation 2831 for the trust account, Code Section 10145 and
17 Regulation 2831.2
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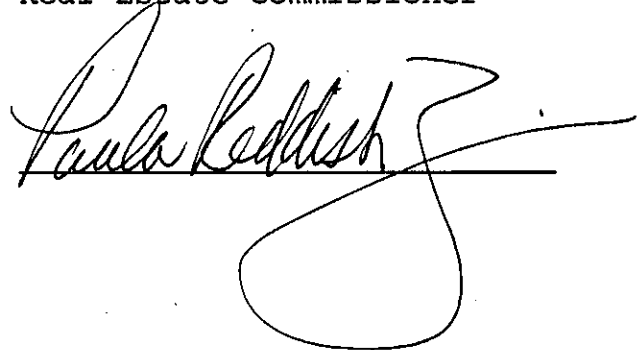
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NOW, THEREFORE, YOU, CAPITAL COMMERCIAL REAL ESTATE SERVICES INC., AND YOU, RICHARD STEVEN GOLD, ARE ORDERED TO DESIST AND REFRAIN from performing any of the acts for which a real estate license is required unless and until you are in compliance with Code Section 10145, of the California Business and Professions Code and Sections 2831 and 2831.2 of Title 10, Chapter 6, California Code of Regulations the Regulations.

DATED: January 14, 2003.

PAULA REDDISH ZINNEMANN
Real Estate Commissioner



cc: Richard Steven Gold
c/o Capital Commercial Real Estate Services Inc.
16000 Ventura Blvd. #900
Encino, CA 91436