

Just going

FILED
MAY 23 2008
DEPARTMENT OF REAL ESTATE

R. Wiedersholz

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	NO. H-30560 LA
)	H-30561 LA
JUAN ADALBERTO RAMIREZ,)	
)	
Respondent.)	
)	

ORDER DENYING REINSTATEMENT OF LICENSE

On February 9, 2005, a Decision was rendered herein revoking Respondent's real estate broker license, but granting Respondent the right to apply for and be issued a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on March 10, 2005.

On May 30, 2007, Respondent petitioned for reinstatement of said license and the Attorney General of the State of California has been given notice of the filing of the petition.

///
///

1 I have considered Respondent's petition and the
2 evidence and arguments in support thereof. Respondent has
3 failed to demonstrate to my satisfaction that Respondent has
4 undergone sufficient rehabilitation to warrant the issuance
5 to Respondent of an unrestricted real estate broker license,
6 in that:
7

8 I

9 In the Decision which revoked Respondent's real
10 estate broker license, there were determination of issues
11 made that there was cause to revoke Respondent's license
12 pursuant to Business and Professions Code ("Code") Sections
13 10177(d), 10177(g) and 10177(h) for violation of Code Section
14 10159.2.
15

16 Respondent had failed to ensure that a licensed real
17 estate corporation was in compliance with the Real Estate Law,
18 during the time when he was the designated officer.
19

20 II

21 The burden of proving rehabilitation rests with the
22 petitioner (Feinstein v. State Bar (1952) 39 Cal. 2d 541).
23 A petitioner is required to show greater proof of honesty and
24 integrity than an applicant for first time licensure. The
25 proof must be sufficient to overcome the prior adverse judgment
26 on the applicant's character (Tardiff v. State Bar (1980) 27
27 Cal. 3d 395).

1 The Department has developed criteria in Title 10,
2 Chapter 6, California Code of Regulations ("Regulation") 2911
3 to assist in evaluating the rehabilitation of an applicant for
4 reinstatement of a license. Among the criteria relevant in this
5 proceeding are:

6 Regulation 2911(k) - Respondent has not been licensed
7 as a real estate broker since 2005 and has not shown correction
8 of business practices resulting in injury to others or with the
9 potential to cause such injury.

10 Given the fact that Respondent has not established
11 that Respondent has met the criteria of Regulation 2911(k),
12 I am not satisfied that Respondent is sufficiently rehabilitated
13 to receive a plenary real estate broker license.

14 NOW, THEREFORE, IT IS ORDERED that Respondent's
15 petition for reinstatement of Respondent's real estate broker
16 license is denied.

17
18 I am satisfied, however, that it will not be against
19 the public interest to issue a restricted real estate broker
20 license to Respondent.

21 A restricted real estate broker license shall
22 be issued to Respondent pursuant to Code Section 10156.5
23 if Respondent within twelve (12) months from the date hereof:

24
25 (a) takes and passes the written examination required
26 to obtain a real estate broker license.

27 (b) makes application therefor and pays the
appropriate fee for said license.

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(c) Submits evidence satisfactory to the Real

Estate Commissioner that Respondent has, since Respondent's license was revoked, taken and passed the Professional Responsibility Examination administered by the Department including the payment of the appropriate examination fee.

The restricted license issued to Respondent shall be

subject to all of the provisions of Code Section 10156.7 and to the following limitations, conditions and restrictions imposed under authority of Code Section 10156.6:

1. The restricted license issued to Respondent

may be suspended prior to hearing by Order of the Real Estate Commissioner in the event of Respondent's conviction or plea of nolo contendere to a crime which is substantially related to Respondent's fitness or capacity as a real estate licensee.

2. The restricted license issued to Respondent

may be suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted license.

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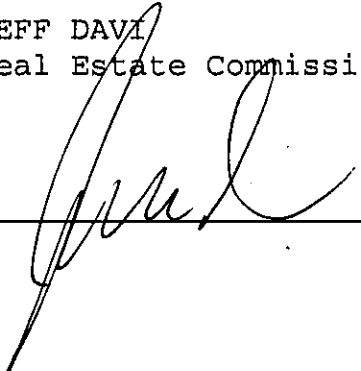
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3. Respondent shall not be eligible to apply
for the issuance of an unrestricted real estate license
nor for the removal of any of the conditions, limitations
or restrictions of a restricted license until two (2) years
from the date of issuance of any restricted license.

This Order shall become effective at 12 o'clock noon
on JUN 12 2008

DATED: 5-8-03

JEFF DAVIS
Real Estate Commissioner



Accusation

1 ELLIOTT MAC LENNAN, SBN 66674
2 Department of Real Estate
3 320 West 4th Street, Ste. 350
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6911 (direct)
6 -or- (213) 576-6982 (office)

FILED
FEB 18 2005

DEPARTMENT OF REAL ESTATE

By *R. Medeiros*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H-30560 LA
12)
13 DYNAMIC INVESTMENTS INC.)
14 dba Dynamic Lending Group; and)
15 JUAN ADELBERTO RAMIREZ,)
16 individually and as)
17 officer designated of)
18 Dynamic Investments Inc.,)
19 Respondents.)

20 ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

21 On December 12, 2003, an Accusation was filed in this
22 matter against Respondent DYNAMIC INVESTMENTS INC.

23 On August 3, 2004, Respondent petitioned the
24 Commissioner to voluntarily surrender its real estate broker
25 license pursuant to Section 10100.2 of the Business and
26 Professions Code.
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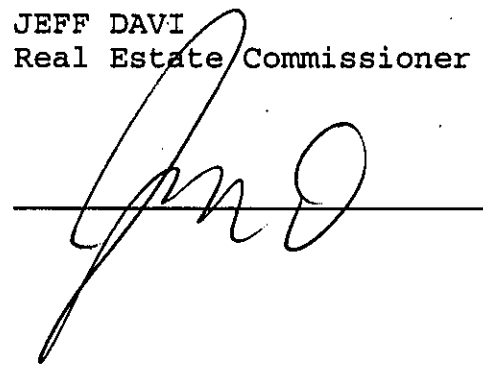
IT IS HEREBY ORDERED that Respondent DYNAMIC INVESTMENTS INC.'s petition for voluntary surrender of its real estate broker license is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in Respondent's Declaration dated August 3, 2004, (attached as Exhibit "A" hereto). Respondent's license certificate and pocket card shall be sent to the below listed address so that they reach the Department on or before the effective date of this Order:

Department of Real Estate
Atten: Licensing Flag Section
P.O. BOX 18700
Sacramento, CA 95818-7000

This Order shall become effective at 12 o'clock noon on MAR 10 2005.

DATED: 2-9-05

JEFF DAVIS
Real Estate Commissioner



1 ELLIOTT MAC LENNAN, Counsel
State Bar No. 66674
2 Department of Real Estate
320 West Fourth Street, Suite 350
3 Los Angeles, California 90013-1105
4 (213) 576-6911
5
6
7

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 In the Matter of the Accusation of) DRE NO. H-30560 LA
12)
13 DYNAMIC INVESTMENTS INC. dba)
Dynamic Lending Group; and)
14 JUAN ADELBERTO RAMIREZ,)
individually and as designated)
15 officer of Dynamic Investments)
Inc.,)
16 Respondents.)

17
18 DECLARATION

19
20 My name is Juan Adalberto Ramirez and I am currently
21 the designated officer of DYNAMIC INVESTMENTS INC. which is
22 licensed as a real estate broker and/or has license rights with
23 respect to said license. I am authorized and empowered to sign
24 this declaration on behalf of DYNAMIC INVESTMENTS INC.

25 In lieu of proceeding in this matter in accordance
26 with the provisions of the Administrative Procedures Act
27

1 (Sections 11400 et seq., of the Government Code) DYNAMIC
2 INVESTMENTS INC. wishes to voluntarily surrender its real
3 estate license issued by the Department of Real Estate
4 ("Department"), pursuant to Business and Professions Code
5 Section 10100.2.

6 I understand that DYNAMIC INVESTMENTS INC. by so
7 voluntarily surrendering its license, can only have it
8 reinstated in accordance with the provisions of Section 11522 of
9 the Government Code. I also understand that by so voluntarily
10 surrendering its license, DYNAMIC INVESTMENTS INC. agrees to the
11 following:

12 The filing of this Declaration shall be deemed as its
13 petition for voluntary surrender. It shall also be deemed to be
14 an understanding and agreement by DYNAMIC INVESTMENTS INC. that,
15 it will waive all rights it has to require the Commissioner to
16 prove the allegations contained in the Accusation filed in this
17 matter at a hearing held in accordance with the provisions of
18 the Administrative Procedures Act (Government Code Sections
19 11400 et seq.), and that it will also waive other rights
20 afforded to it in connection with the hearing such as the right
21 to discovery, the right to present evidence in defense of the
22 allegations in the Accusation and the right to cross examine
23 witnesses. I further agree on behalf of DYNAMIC INVESTMENTS
24 INC. that upon acceptance by the Commissioner, as evidenced by
25 an appropriate order, all affidavits and all relevant evidence
26
27

1 obtained by the Department in this matter prior to the
2 Commissioner's acceptance, and all allegations contained in the
3 Accusation filed in the Department Case No. H-30560, may be
4 considered by the Department to be true and correct for the
5 purpose of deciding whether or not to grant reinstatement of my
6 license pursuant to Government Code Section 11522.

7 I declare under penalty of perjury under the laws of
8 the State of California that the above is true and correct and
9 that I am acting freely and voluntarily on behalf of DYNAMIC
10 INVESTMENTS INC. to surrender its license and all license rights
11 attached thereto.

12
13 DATED: _____ at _____, 2004
14

15
16
17 _____
18 DYNAMIC INVESTMENTS INC.
19 BY: JUAN ADALBERTO RAMIREZ, D.O
20
21
22
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26
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1 obtained by the Department in this matter prior to the
 2 Commissioner's acceptance, and all allegations contained in the
 3 Accusation filed in the Department Case No. B-30560, may be
 4 considered by the Department to be true and correct for the
 5 purpose of deciding whether or not to grant reinstatement of my
 6 license pursuant to Government Code Section 11522.

7 I declare under penalty of perjury under the laws of
 8 the State of California that the above is true and correct and
 9 that I am acting freely and voluntarily on behalf of DYNAMIC
 10 INVESTMENTS INC, to surrender its license and all license rights
 11 attached thereto.

12
 13 SIGNED: 08/03/04 at West Covina, 2004
 14

15
 16
 17 
 18 _____
 19 DYNAMIC INVESTMENTS INC.
 20 BY: JUAN ADALBERTO RAMIREZ, D.O
 21
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FILED
FEB 18 2005

DEPARTMENT OF REAL ESTATE

By K. Mederholt

1 ELLIOTT MAC LENNAN, SBN 66674
2 Department of Real Estate
3 320 West 4th Street, Ste. 350
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6911 (direct)
6 -or- (213) 576-6982 (office)

7
8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

No. H-30560 LA

12 DYNAMIC INVESTMENTS INC. dba)
13 Dynamic Lending Group; and)
14 JUAN ADELBERTO RAMIREZ,)
15 individually and as designated)
16 officer of Dynamic Investments)
17 Inc.,)

STIPULATION
AND
AGREEMENT

18 Respondents.)

19 In the Matter of the Accusation of)

No. H-30561 LA

20 DYNAMIC REALTY CORPORATION dba)
21 Dynamic Home Loans, and)
22 JUAN ADELBERTO RAMIREZ,)
23 individually and as designated)
24 officer of Dynamic Realty)
25 Corporation,)

STIPULATION
AND
AGREEMENT

26 Respondents.)
27

1 It is hereby stipulated by and between JUAN ADELBERTO
2 RAMIREZ, individually and as designated officer of Dynamic
3 Investments Inc., and Dynamic Realty Corporation, (sometimes
4 referred to as "Respondent"), represented by Steve Lee, Esq. and
5 the Complainant, acting by and through Elliott Mac Lennan,
6 Counsel for the Department of Real Estate, as follows for the
7 purpose of settling and disposing of the two Accusations filed on
8 December 12, 2003, in this matter with respect to Respondent
9 only:

10 1. All issues which were to be contested and all
11 evidence which was to be presented by Complainant and Respondent
12 at a formal hearing on the Accusations, which hearing was to be
13 held in accordance with the provisions of the Administrative
14 Procedure Act ("APA"), shall instead and in place thereof be
15 submitted solely on the basis of the provisions of this
16 Stipulation and Agreement (Stipulation).

17 2. Respondent has received, read and understands the
18 Statement to Respondent, the Discovery Provisions of the APA and
19 the Accusations filed by the Department of Real Estate in this
20 proceeding.

21 3. Respondent filed a Notice of Defense pursuant to
22 Section 11506 of the Government Code for the purpose of
23 requesting a hearing on the allegations in the Accusations.
24 Respondent hereby freely and voluntarily withdraws said Notice of
25 Defense. Respondent acknowledges that he understands that by
26 withdrawing said Notice of Defense he thereby waives his right to
27 require the Commissioner to prove the allegations in the

1 Accusations at a contested hearing held in accordance with the
2 provisions of the APA and that he will waive other rights
3 afforded to him in connection with the hearing such as the right
4 to present evidence in his defense of the allegations in the
5 Accusations and the right to cross-examine witnesses.

6 4. This Stipulation is based on the allegations
7 contained in the Accusations that pertain to Respondent. In the
8 interest of expedience and economy, Respondent chooses not to
9 contest these allegations, but to remain silent and understand
10 that, as a result thereof, these allegations, without being
11 admitted or denied, will serve as a prima facie basis for the
12 disciplinary action stipulated to herein. The Real Estate
13 Commissioner shall not be required to provide further evidence to
14 prove said allegations.

15 5. This Stipulation and Respondent's decision not to
16 contest the Accusation is made for the purpose of reaching an
17 agreed disposition of this proceeding and is expressly limited to
18 this proceeding and any other proceeding or case in which the
19 Department of Real Estate ("Department"), the state or federal
20 government, or any agency of this state, another state or federal
21 government is involved.

22 6. It is understood by the parties that the Real
23 Estate Commissioner may adopt this Stipulation as his Decision
24 in this matter thereby imposing the penalty and sanctions on
25 Respondent's real estate licenses and license rights as set forth
26 in the "Order" herein below. In the event that the Commissioner,
27

1 in his discretion, does not adopt the Stipulation, it shall be
2 void and of no effect and Respondent shall retain the right to
3 a hearing and proceeding on the Accusations under the provisions
4 of the APA and shall not be bound by any stipulation or waiver
5 made herein.

6 7. The Order or any subsequent Order of the Real
7 Estate Commissioner made pursuant to this Stipulation shall not
8 constitute an estoppel, merger or bar to any further
9 administrative or civil proceedings by the Department of Real
10 Estate with respect to any matters which were not specifically
11 alleged to be causes for Accusations in this proceeding but do
12 constitute a bar, estoppel and merger as to any allegations
13 actually contained in the Accusations against Respondent herein.

14 DETERMINATION OF ISSUES

15 By reason of the foregoing stipulations, it is
16 stipulated and agreed that the following determination of issues
17 shall be made:

18 The conduct, acts or omissions of JUAN ADELBERTO
19 RAMIREZ, as described in Paragraph 4 above, constitutes a failure
20 to ensure that Dynamic Investments Inc. and Dynamic Realty
21 Corporation were in compliance with the Real Estate Law during
22 the time that he was the officer designated by these corporate
23 broker licensees, in violation of Code Section 10159.2. This
24 conduct is a basis for the suspension or revocation of
25 Respondent's broker license pursuant to Code Sections 10177(d),
26 10177(g) and 10177(h).

ORDER

1
2 WHEREFORE THE FOLLOWING ORDER IS MADE PURSUANT
3 TO THE WRITTEN STIPULATION OF THE PARTIES:

4 I.

5 The real estate broker license and licensing rights of
6 Respondent JUAN ADELBERTO RAMIREZ under the Real Estate Law are
7 revoked; provided, however, a restricted real estate salesperson
8 license shall be issued to Respondent, pursuant to Section
9 10156.5 of the Business and Professions Code, if Respondent makes
10 application therefor and pays to the Department of Real Estate
11 the appropriate fee for the restricted license within ninety (90)
12 days from the effective date of this Decision. The restricted
13 license issued to Respondent shall be subject to all of the
14 provisions of Section 10156.7 of the Code and the following
15 limitations, conditions and restrictions imposed under authority
16 of Section 10156.6 of that Code:

17
18 1. The restricted license issued to Respondent may be
19 suspended prior to hearing by Order of the Real Estate
20 Commissioner in the event of Respondent's conviction or plea of
21 nolo contendere to a crime which is substantially related to
22 Respondent's fitness or capacity as a real estate licensee.

23 2. The restricted license issued to Respondent may
24 be suspended prior to hearing by Order of the Real Estate
25 Commissioner on evidence satisfactory to the Commissioner that
26 Respondent has violated provisions of the California Real Estate
27

1 Law, the Subdivided Lands Law, Regulations of the Real Estate
2 Commissioner or conditions attaching to the restricted license.

3 3. Respondent shall not be eligible to apply for the
4 issuance of an unrestricted real estate license nor for the
5 removal of any of the conditions, limitations or restrictions of
6 a restricted license until two (2) years has elapsed from the
7 effective date of this Decision.

8 4. Respondent shall submit with any application for
9 license under an employing broker, or any application for
10 transfer to a new employing broker, a statement signed by the
11 prospective employing real estate broker on a form approved by
12 the Department of Real Estate which shall certify:

13 (a) That the employing broker has read
14 the Decision of the Commissioner which
15 granted the right to a restricted license;
16 and
17

18 (b) That the employing broker will exercise
19 close supervision over the performance by the
20 restricted licensee relating to activities
21 for which a real estate license is required.

22 5. Respondent shall, within nine (9) months from the
23 issuance of this Decision, present evidence satisfactory to the
24 Real Estate Commissioner that Respondent has, since the most
25 recent issuance of an original or renewal real estate license,
26 taken and successfully completed the continuing education
27

1 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
2 for renewal of a real estate license. If Respondent fails to
3 satisfy this condition, the Commissioner may order the suspension
4 of the restricted license until the Respondent presents such
5 evidence. The Commissioner shall afford Respondent the
6 opportunity for a hearing pursuant to the Administrative
7 Procedure Act to present such evidence.

8 6. Respondent shall within six (6) months from the
9 issuance of the restricted license, take and pass the
10 Professional Responsibility Examination administered by the
11 Department including the payment of the appropriate examination
12 fee. If Respondent fails to satisfy this condition, the
13 Commissioner may order suspension of the restricted license until
14 Respondent passes the examination.

15
16
17 DATED: 7-29-04

ELIOTT
18 ELLIOTT MAC LENNAN, Counsel for
19 the Department of Real Estate

20 * * *

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

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

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

16
17
18 DATED: _____

19 JUAN ADELBERTO RAMIREZ,
20 individually and as designated
21 officer of Dynamic Investments Inc.
22 and Dynamic Realty Corporation,
23 Respondent

24 DATED: _____

25 Steve Lee, Attorney for
26 Respondent
27 Approved as to Form

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

5 Respondent can signify acceptance and approval of the
 6 terms and conditions of this Stipulation and Agreement by faxing
 7 a copy of its signature page, as actually signed by Respondent,
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 11 the Department a fax copy of Respondent's actual signature as it
 12 appears on the Stipulation and Agreement, that receipt of the
 13 faxed copy by the Department shall be as binding on Respondent as
 14 if the Department had received the original signed Stipulation
 15 and Agreement.

16
 17
 18 DATE: 08/3/04

Juan A. Ramirez

 JUAN ADELBERTO RAMIREZ,
 individually and as designated
 officer of Dynamic Investments Inc.
 and Dynamic Realty Corporation,
 Respondent

19
 20
 21 DATE: 08/03/04

Steve Leo

 Steve Leo, Attorney for
 Respondent
 Approved as to Form

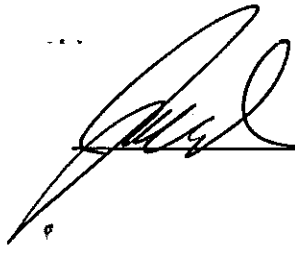
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* * *

The foregoing Stipulation and Agreement is hereby
adopted as my Decision and Order and shall become effective at 12
o'clock noon on MAR 10 2005

IT IS SO ORDERED 2-9-05

JEFF DAVI
Real Estate Commissioner



Handwritten initials

FILED
JUL 14 2004
DEPARTMENT OF REAL ESTATE

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

By *K. Kneiderholt*

In the Matter of the Accusation of

DYNAMIC INVESTMENTS INC., ET AL.,

}
}

Case No. H-30560 LA

OAH No. L-2004010587

Respondent

**AMENDED
NOTICE OF CONTINUED 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 **320 W. Fourth Street, Ste. 630, Los Angeles, CA** on **August 4-5, 2004**, 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: **JUL 14 2004**

By *ELM*
ELLIOTT MAC LENNAN, Counsel

cc: Dynamic Investments Inc/Juan A. Ramirez
Chris Peterson, Esq..
Sacto/OAH/KA

Handwritten initials/signature

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

FILED
APR 12 2004
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

By *R. Medeiros*

DYNAMIC INVESTMENTS INC., et al.

}
}

Case No. H-30560 LA

OAH No. L-2004010587

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 320 W. Fourth Street, Ste. 630, Los Angeles, CA on August 3-6, 2004, 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: APR 12 2004

By *EML*
ELLIOTT MAC LENNAN, Counsel

cc: Dynamic Investments Inc./Juan A. Ramirez
Chris Peterson, Esq.
Sacto/OAH/OA

Jack G...

FILED
DEC 12 2003
DEPARTMENT OF REAL ESTATE

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ELLIOTT MAC LENNAN, Counsel
State Bar No. 66674
Department of Real Estate
320 West Fourth Street, Suite 350
Los Angeles, California 90013-1105

(213) 576-6911

By *K. M. ...*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	NO. H-30560 LA
)	
DYNAMIC INVESTMENTS INC. dba)	
Dynamic Lending Group, and,)	<u>A C C U S A T I O N</u>
JUAN ADALBERTO RAMIREZ individually)	
and as designated officer of)	
Dynamic Investments Inc.,)	
)	
Respondents.)	
)	

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against DYNAMIC INVESTMENTS INC. dba Dynamic Lending Group, and JUAN ADALBERTO RAMIREZ, individually and as designated officer of Dynamic Investments Inc., alleges as follows:

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1 Real Estate Law including the supervision of the salespersons
2 licensed to the corporation in the performance of acts for which
3 a real estate license is required. DYNAMIC INVESTMENTS'
4 corporate real estate broker license was originally issued on
5 March 20, 1995. RAMIREZ was originally licensed as a real
6 estate broker on August 20, 1996.

7 5.

8 Whenever reference is made in an allegation in the
9 Accusation to an act or omission of DYNAMIC INVESTMENTS, such
10 allegation shall be deemed to mean that the officers, directors,
11 managers, employees, agents and real estate licensees employed
12 by or associated with DYNAMIC INVESTMENTS, including RAMIREZ,
13 committed such act or omission while engaged in the furtherance
14 of DYNAMIC INVESTMENTS' business or operation and while acting
15 within the course and scope of DYNAMIC INVESTMENTS's corporate
16 authority, agency and employment.

17 6.

18 At all times herein mentioned, in West Covina,
19 California, DYNAMIC INVESTMENTS engaged in the business as a
20 real estate broker within the meaning of:

21 A. Code Section 10131(d). DYNAMIC INVESTMENTS
22 operated as a mortgage and loan broker dba Dynamic Lending
23 Group, and,

24 B. In addition, DYNAMIC INVESTMENTS conducted broker
25 controlled escrows through its escrow division under the
26 exemption set forth in California Financial Code Section
27 17006(a)(4).

1 7.

2 On July 31, 2003, the Department completed a follow-up
3 examination of the books and records of DYNAMIC INVESTMENTS
4 pertaining to its mortgage and loan brokerage and broker-escrow
5 activities, requiring a real estate license as described in
6 Paragraph 6. The audit examination covered a period of time
7 beginning on March 1, 2001 to February 28, 2003. The audit
8 examination revealed violations of the Code and the Regulations
9 as set forth below, and more fully discussed in Audit Reports LA
10 020416 and LA 020417 and the exhibits and workpapers attached to
11 said audit reports. The follow-up audit originated from the
12 Order to Desist and Refrain of H-29698 LA for Dynamic Realty
13 Corporation and Juan Adalberto Ramirez filed on September 17,
14 2002.

15 8.

16 At all times mentioned, in connection with the
17 activities described in Paragraph 6, above, DYNAMIC INVESTMENTS
18 accepted or received funds in trust (trust funds) from or on
19 behalf of borrowers and lenders, and thereafter made disposition
20 of such funds. Respondent DYNAMIC INVESTMENTS maintained the
21 following trust account during the audit period into which were
22 deposited certain of these funds at:

23 "Dynamic Investments, Inc. Escrow Trust Account
24 ("Escrow Trust Account")
25 Account No. 1891608521"
26 Commercica Bank-California
27 Inglewood, California 90301

9.

1 With respect to the trust funds referred to in
2 Paragraph 8, it is alleged that DYNAMIC INVESTMENTS:

3 (a) Permitted, allowed or caused the disbursement
4 of trust funds from the escrow trust account, to an amount
5 which, on February 28, 2003, was \$23,248.32, less than the
6 existing aggregate trust fund liability of DYNAMIC INVESTMENTS
7 to every principal who was an owner of said funds, without first
8 obtaining the prior written consent of the owners of said funds,
9 as required by Code Section 10145 and Regulations 2832.1,
10 2950(d), 2950(g) and 2951.

11 (b) commingled trust funds in the amount of \$85,000.
12 By withdrawing said sum from the escrow trust account and
13 depositing it into the general account of either Dynamic Realty
14 Corporation or Dynamic Investment Inc., in violation of Code
15 Section 10176(e) and/or 10176(i). Dynamic Realty Corporation is
16 a related corporation owned by Henry A. Melendez, non-licensee
17 owner of Dynamic Investment Inc. and Dynamic Realty Corporation.
18

19 (c) Failed to maintain an adequate control record in
20 the form of a columnar record in chronological order of all
21 trust funds received and disbursed from the escrow trust
22 account, as required by Code Section 10145 and Regulations 2831,
23 2950(d) and 2951.

24 (d) Failed to maintain an adequate separate record for
25 each beneficiary or transaction, thereby failing to account for
26 all trust funds received, deposited into, and disbursed from the
27

1 escrow trust account, as required by Code Section 10145 and
2 Regulations 2831.1, 2950(d) and 2951.

3 (e) Failed to perform a monthly reconciliation of the
4 balance of all separate beneficiary or transaction records
5 maintained pursuant to Regulation 2831.1 with the record of all
6 trust funds received and disbursed by the escrow trust account,
7 as required by Code Section 10145 and Regulations 2831.2,
8 2950(d) and 2951.

9 (f) Failed to place trust funds, including escrow
10 receipts, into a trust fund account in the name of the broker as
11 trustee at a bank or other financial, as required by Code
12 Section 10145 and Regulations 2832, 2950(d), 2950(g) and 2951.
13 DYNAMIC INVESTMENTS transferred, deposited, or wired \$139,948.21
14 in trust funds to related corporation Dynamic Realty
15 Corporation.

16 (g) Permitted unlicensed and unbonded persons Henry A.
17 Melendez, Ricardo Melendez and Leticia E. Alvarez, to be
18 authorized signatories on the escrow trust account, in violation
19 of Code Section 10145 and Regulation 2834.

20 (h) Failed to provide and/or maintain a statement in
21 writing containing all the information required by Code Section
22 10241 in violation of Code Section 10240 and Regulation 2840 to
23 various borrowers including but not limited to:

24 (1) failure to use an approved mortgage loan
25 disclosure statement for borrowers Mena, Vazquez and Okeke; and
26
27

1 (2) failed to maintain on file for a period of three
2 years a true and correct copy of a Department of Real Estate
3 approved Mortgage Loan Disclosure Statement signed by the broker
4 and signed by borrowers Mena and Vazquez.

5 10.

6 The conduct of Respondent DYNAMIC INVESTMENTS,
7 described in Paragraph 9, violated the Code and the Regulations
8 as set forth below:

9	<u>PARAGRAPH</u>	<u>PROVISIONS VIOLATED</u>
10	9 (a)	Code Section 10145 and
11		Regulations 2832.1, 2950(d),
12		2950(g) and 2951
13	9 (b)	Code Section 10176(e) and/or
14		10176(i).
15	9 (c)	Regulations 2831, 2950(d) and
16		2951
17	9 (d)	Code Section 10145 and
18		Regulation 2831.1, 2950(d)
19		and 2951
20	9 (e)	Code Section 10145 and
21		Regulation 2831.2, 2950(d)
22		and 2951
23	9 (f)	Code Section 10145 and
24		Regulation 2832, 2950(g) and
25		2951
26	9 (g)	Code Section 10145 and
27		Regulation 2834
	9 (h)	Code Section 10240 and
		Regulation 2840

1 Each of the foregoing violations separately constitutes cause
2 for the suspension or revocation of the real estate license and
3 license rights of DYNAMIC INVESTMENTS under the provisions of
4 Code Sections 10177(d), 10176(e), 10176(i) and/or 10177(g).

5
6 11.

7 The overall conduct of Respondent RAMIREZ constitutes
8 a failure on his part, as officer designated by a corporate
9 broker licensee, to exercise the reasonable supervision and
10 control over the licensed activities of DYNAMIC INVESTMENTS as
11 required by Code Section 10159.2, and to keep DYNAMIC
12 INVESTMENTS in compliance with the Real Estate Law, and is cause
13 for the suspension or revocation of the real estate license and
14 license rights of RAMIREZ pursuant to the provisions of Code
15 Sections 10177(d), 10177(g) and/or 10177(h).

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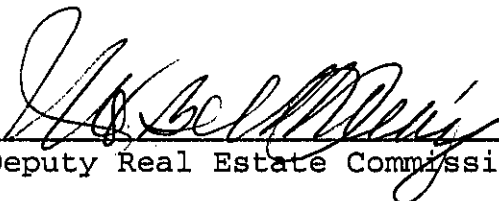
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1 WHEREFORE, complainant prays that a hearing be
2 conducted on the allegations of this Accusation and, that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against all licenses and licensing rights of Respondents
5 DYNAMIC INVESTMENTS INC. and JUAN ADALBERTO RAMIREZ,
6 individually and as designated officer of Dynamic Investments
7 Inc. under the Real Estate Law (Part 1 of Division 4 of the
8 Business and Professions Code) and for such other and further
9 relief as may be proper under other applicable provisions of
10 law.
11

12 Dated at Los Angeles, California
13 this *31st* day of *December* 20*23*.
14

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16 
17 Deputy Real Estate Commissioner
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23

24 cc: Dynamic Investments Inc.
25 c/o Juan Adalberto Ramirez D.O.
26 Maria Suarez
27 Sacto
ODA