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FILED
MAY 23 2008
DEPARTMENT OF REAL ESTATE

R. Niederholt

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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.

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

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

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

25 (b) makes application therefor and pays the
26 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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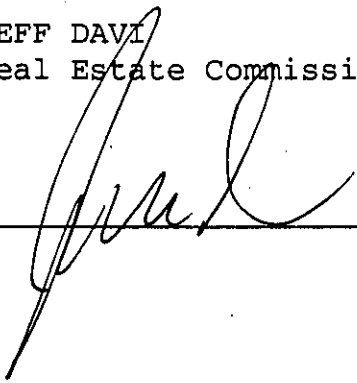
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3. Respondent shall not be eligible to apply
for the issuance of an unrestricted real estate license
nor for the removal of any of the conditions, limitations
or restrictions of a restricted license until two (2) years
from the date of issuance of 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



*Auto
2/19*

FILED
FEB 18 2005
DEPARTMENT OF REAL ESTATE

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)

By *Kohenderholt*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H-30561 LA
12)
13 DYNAMIC REALTY CORPORATION)
14 dba Dynamic Home Loans; and)
15 JUAN ADELBERTO RAMIREZ,)
16 individually and as)
17 officer designated of)
18 Dynamic Realty Corporation,)
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 REALTY CORPORATION.

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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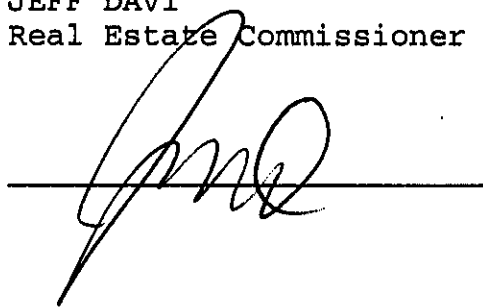
IT IS HEREBY ORDERED that Respondent DYNAMIC REALTY CORPORATION's petition for voluntary surrender of its real estate broker license is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in Respondent's Declaration dated August 3, 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 DAVI
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-30561 LA
12)
13 DYNAMIC REALTY CORPORATION dba)
Dynamic Home Loans; and)
14 JUAN ADELBERTO RAMIREZ,)
individually and as designated)
15 officer of Dynamic Realty)
Corporation,)
16)
Respondents.)

17
18 DECLARATION

19
20 My name is Juan Adalberto Ramirez and I am currently
21 the designated officer of DYNAMIC REALTY CORPORATION 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 REALTY CORPORATION.

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 REALTY
2 CORPORATION wishes to voluntarily surrender its real estate
3 license issued by the Department of Real Estate ("Department"),
4 pursuant to Business and Professions Code Section 10100.2.

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

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

1 prior to the Commissioner's acceptance, and all allegations
2 contained in the Accusation filed in the Department Case No. H-
3 30561, may be considered by the Department to be true and
4 correct for the purpose of deciding whether or not to grant
5 reinstatement of my license pursuant to Government Code Section
6 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 REALTY CORPORATION to surrender its license and all license
11 rights attached thereto.

12
13 DATED: _____ at _____, 2004
14

15
16
17 _____
18 DYNAMIC REALTY CORPORATION
19 BY: JUAN ADALBERTO RAMIREZ, D.O
20
21
22
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27

1 prior to the Commissioner's acceptance, and all allegations
 2 contained in the Accusation filed in the Department Case No. H-
 3 30561, may be considered by the Department to be true and
 4 correct for the purpose of deciding whether or not to grant
 5 reinstatement of my license pursuant to Government Code Section
 6 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 REALTY CORPORATION to surrender its license and all license
 11 rights attached thereto.

12 DATE: 08/03/04 at West Covina 3004

13
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 16 Juan A. Ramirez
 17 DYNAMIC REALTY CORPORATION
 18 BY: JUAN ADALBERTO RAMIREZ, D.O.
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FILED
FEB 18 2005
DEPARTMENT OF REAL ESTATE

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)

By K. Mederholt

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
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.,)
18 Respondents.)

No. H-30560 LA

STIPULATION
AND
AGREEMENT

19 In the Matter of the Accusation of)
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,)
26 Respondents.)

No. H-30561 LA

STIPULATION
AND
AGREEMENT

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),
27

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

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

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

25
26 DATED: _____

27 _____
Steve Lee, Attorney for
Respondent
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
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 13 faxed copy by the Department shall be as binding on Respondent as
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 15 and Agreement.

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 DATE: 08/3/04

Juan A. Ramirez

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

DATE: 08/03/04

Steven Leo

 Steven Leo, Attorney for
 Respondent
 Approved as to Form

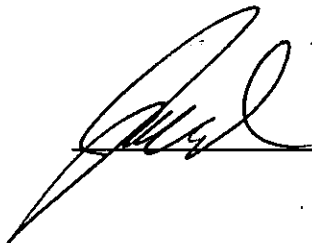
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* * *

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



*Shawn
N*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
JUL 14 2004
DEPARTMENT OF REAL ESTATE

By *R. K. Medel*

In the Matter of the Accusation of

DYNAMIC REALTY INC., ET AL.,

Case No. H-30561 LA

OAH No. L-2004010586

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 *E. M. Lennan*
ELLIOTT MAC LENNAN, Counsel

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

Handwritten initials

**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 *K. K. [Signature]*

DYNAMIC REALTY CORPORATION, ET AL.,

}
}

Case No. H-30561 LA

OAH No. L-2004010586

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

[Signature]
ELLIOTT MAC LENNAN, Counsel

cc: Dynamic Realty Corp./Juan A. Ramirez
Chris Peterson, .Esq.
Sacto/OAH/OA

Handwritten initials

FILED
DEC 12 2003
DEPARTMENT OF REAL ESTATE

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

By *R. Medeiros*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

11 In the Matter of the Accusation of) NO. H-30561 LA
12)
13 DYNAMIC REALTY CORPORATION dba)
Dynamic Home Loans, and) A C C U S A T I O N
14 JUAN ADALBERTO RAMIREZ, individually)
and as designated officer of)
15 Dynamic Realty Corporation,)
16 Respondents.)

17 The Complainant, Maria Suarez, a Deputy Real Estate
18 Commissioner of the State of California, for cause of Accusation
19 against DYNAMIC REALTY CORPORATION dba Dynamic Home Loans and
20 JUAN ADALBERTO RAMIREZ, individually and as designated officer
21 of Dynamic Realty Corporation, alleges as follows:

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1 The Complainant, Maria Suarez, acting in her official
2 capacity as a Deputy Real Estate Commissioner of the State of
3 California, makes this Accusation against DYNAMIC REALTY
4 CORPORATION ("DYNAMIC REALTY") and JUAN ADALBERTO RAMIREZ,
5 individually as designated officer of Dynamic Realty Corporation
6 ("RAMIREZ").
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2.

8 All references to the "Code" are to the California
9 Business and Professions Code and all references to
10 "Regulations" are to Title 10, Chapter 6, California Code of
11 Regulations.
12

3.

13 DYNAMIC REALTY and RAMIREZ (sometimes hereinafter
14 referred to as Respondents) are presently licensed or have
15 license rights under the Real Estate Law (Part 1 of Division 4
16 of the Business and Professions Code, hereinafter "Code").
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4.

19 At all time herein mentioned, RAMIREZ was licensed by
20 the Department as the designated officer of DYNAMIC REALTY to
21 qualify it and to act for it as a real estate broker and, as
22 provided by Code Section 10159.2, was responsible for the
23 supervision and control of the activities conducted on behalf of
24 DYNAMIC REALTY by its officers, managers and employees as
25 necessary to secure full compliance with the provisions of the
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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 REALTY'S corporate
4 real estate broker license was originally issued on March 20,
5 1995. RAMIREZ was originally licensed as a real estate broker
6 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 REALTY, 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 REALTY, including RAMIREZ,
13 committed such act or omission while engaged in the furtherance
14 of DYNAMIC REALTY's business or operation and while acting
15 within the course and scope of DYNAMIC REALTY's corporate
16 authority, agency and employment.

17 6.

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

21 A. Code Section 10131(a). DYNAMIC REALTY operated as
22 a residential resale dba Dynamic Home Loans, and,

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

27 7.

1 On July 31, 2003, the Department completed a follow-up
2 examination of the books and records of DYNAMIC REALTY
3 pertaining to its mortgage and loan brokerage and broker-escrow
4 activities, requiring a real estate license as described in
5 Paragraph 6. The audit examination covered a period of time
6 beginning on March 1, 2001 to February 28, 2003. The audit
7 examination revealed violations of the Code and the Regulations
8 as set forth below, and more fully discussed in Audit Reports LA
9 020257 and LA 020390 and the exhibits and workpapers attached to
10 said audit reports. The follow-up audit originated from the
11 Order to Desist and Refrain of H-29698 LA for Dynamic Realty
12 Corporation and Juan Adalberto Ramirez filed on September 17,
13 2002.

14 8.

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

22 "Dynamic Realty Corporation Escrow Division Trust Account
23 ("Escrow Trust Account")
24 Account No. 1891614149"
25 Imperial Bank
26 Inglewood, California 90301

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

4 (a) Permitted, allowed or caused the disbursement
5 of trust funds from the escrow trust account, to an amount
6 which, on February 28, 2003, was \$69,700.18, less than the
7 existing aggregate trust fund liability of DYNAMIC REALTY to
8 every principal who was an owner of said funds, without first
9 obtaining the prior written consent of the owners of said funds,
10 as required by Code Section 10145 and Regulations 2832.1,
11 2950(d), 2950(g) and 2951.

12
13 (b) Failed to maintain an adequate control record in
14 the form of a columnar record in chronological order of all
15 trust funds received and disbursed from the escrow trust
16 account, as required by Code Section 10145 and Regulations 2831,
17 2950(d) and 2951.

18 (c) Failed to maintain an adequate separate record for
19 each beneficiary or transaction, thereby failing to account for
20 all trust funds received, deposited into, and disbursed from the
21 escrow trust account, as required by Code Section 10145 and
22 Regulations 2831.1, 2950(d) and 2951.

23
24 (d) Failed to perform a monthly reconciliation of the
25 balance of all separate beneficiary or transaction records
26 maintained pursuant to Regulation 2831.1 with the record of all
27 trust funds received and disbursed by the escrow trust account,

1 as required by Code Section 10145 and Regulations 2831.2,
2 2950(d) and 2951.

3 (e) Failed to place trust funds, including escrow
4 receipts, into a trust fund account in the name of the broker as
5 trustee at a bank or other financial, as required by Code
6 Section 10145 and Regulations 2832, 2950(d), 2950(g) and 2951.
7 DYNAMIC REALTY transferred, deposited, or wired \$139,948.21 in
8 trust funds to related corporation Dynamic Realty Corporation.

9 (f) Permitted unlicensed and unbonded persons Henry A.
10 Melendez, Ricardo Melendez, Marlene Baltzer and Leticia E.
11 Alvarez, to be authorized signatories on the escrow trust
12 account, in violation of Code Section 10145 and Regulation 2834;
13 and,

14 (g) (1) commingled trust funds in the amount of
15 \$87,000, by withdrawing said sum from the escrow trust account
16 and depositing it into the general account of Dynamic Investment
17 Inc., in violation of Code Section 10176(e) and/or 10176(i).
18 Dynamic Investments, Inc. is a related corporation owned by
19 Henry A. Melendez, non-licensee owner of Dynamic Realty
20 Corporation.
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22 (g) (2) commingled trust funds in the amount of
23 \$125,000, by withdrawing said sum from the escrow trust account
24 and depositing it into the general account of DYNAMIC REALTY, in
25 violation of Code Section 10176(e) and/or 10176(i). Dynamic
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1 Investments, Inc. is a related corporation owned by Henry A.
2 Melendez, non-licensee owner of Dynamic Realty Corporation.

3 10.

4 The conduct of Respondent DYNAMIC REALTY, described in
5 Paragraph 9, violated the Code and the Regulations as set forth
6 below:

7 PARAGRAPH

PROVISIONS VIOLATED

8 9(a)

Code Section 10145 and
Regulations 2832.1, 2950(d),
2950(g) and 2951

10 9(b)

Regulations 2831, 2950(d) and
2951

11 9(c)

Code Section 10145 and
Regulation 2831.1, 2950(d)
and 2951

12 9(d)

Code Section 10145 and
Regulation 2831.2, 2950(d)
and 2951

13 9(e)

Code Section 10145 and
Regulation 2832, 2950(g) and
2951

14 9(f)

Code Section 10145 and
Regulation 2834

15 9(g)

Code Section 10176(e) and/or
10176(i)

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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 REALTY under the provisions of Code
4 Sections 10177(d), 10176(e), 10176(i) and/or 10177(g).

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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 REALTY as
11 required by Code Section 10159.2, and to keep DYNAMIC REALTY in
12 compliance with the Real Estate Law, and is cause for the
13 suspension or revocation of the real estate license and license
14 rights of RAMIREZ pursuant to the provisions of Code Sections
15 10177(d), 10177(g) and/or 10177(h).

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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 REALTY CORPORATION 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.
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12 Dated at Los Angeles, California

13 this *30th day of December 2013*
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16 Deputy Real Estate Commissioner
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25 cc: Dynamic Realty Corporation
26 c/o Juan Adalberto Ramirez D.O.
27 Maria Suarez
Sacto
ODA