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FILED

JAN 18 2008

DEPARTMENT OF REAL ESTATE
BY: *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
)	
Y RUN INC. doing business as)	No. H-33707 LA
Plaza Realty,)	L-2007050853
)	
)	
Respondent.)	
)	
)	
)	

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On June 1, 2007, a First Amended Accusation was filed in this matter against Respondent Y RUN INC.

On November 13, 2007, Respondent petitioned the Commissioner to voluntarily surrender its real estate broker license rights pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent Y RUN INC.'s petition for voluntary surrender of its real estate broker

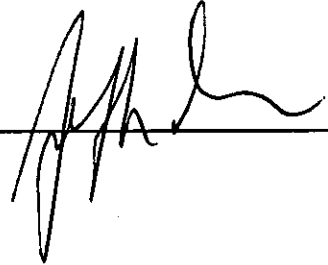
1 license rights is accepted as of the effective date of this Order
2 as set forth below, based upon the understanding and agreement
3 expressed in Respondent's Declaration dated November 13, 2007
4 (attached as Exhibit "A" hereto). Respondent's license
5 certificate, pocket card and any branch office license
6 certificate shall be sent to the below listed address so that
7 they reach the Department on or before the effective date of this
8 Order:

9
10 Department of Real Estate
11 Atten: Licensing Flag Section
12 P.O. Box 187000
13 Sacramento, CA 95818-7000

14 This Order shall become effective at 12 o'clock noon on
15 February 7, 2008.

16 DATED: 1-2, 2008

17 JEFF DAVI
18 Real Estate Commissioner

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"EXHIBIT A"

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
)	
Y RUN INC. doing business as)	No. H-33707 LA
Plaza Realty,)	L-2007050853
)	
Respondent.)	
)	
)	
)	
)	

DECLARATION

My name is Ruldolfo Martinez and that I am the designated officer of Y Run Inc., which is licensed as a real estate broker and/or has license rights with respect to said license. I am authorized to sign this declaration on behalf of Y Run Inc.. Y Run Inc. is represented in this matter by Frank M. Buda, Attorney at Law.

///"

1 In lieu of proceeding in this matter in accordance
2 with the provisions of the Administrative Procedures Act
3 (Sections 11400 et seq., of the Government Code) Y Run Inc.
4 wishes to voluntarily surrender its real estate license issued
5 by the Department of Real Estate ("Department"), pursuant to
6 Business and Professions Code Section 10100.2.

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

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

1 evidenced by an appropriate order, all affidavits and all
2 relevant evidence obtained by the Department in this matter
3 prior to the Commissioner's acceptance, and all allegations
4 contained in the Accusation filed in the Department Case No. H-
5 33707 LA, may be considered by the Department to be true and
6 correct for the purpose of deciding whether or not to grant
7 reinstatement of Y Run Inc.'s license pursuant to Government
8 Code Section 11522.

9 I declare under penalty of perjury under the laws of
10 the State of California that the above is true and correct and
11 that I am acting freely and voluntarily on behalf of Y Run Inc.
12 to surrender its license and all license rights attached
13 thereto.

14
15 Normalk, CA November 13, 2007
16 Date and Place

17
18 
19 Y RUN INC.
20 BY: RUDOLFO MARTINEZ
21
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*Arado
Stag*

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

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

FILED
JUN -1 2007
DEPARTMENT OF REAL ESTATE

K. Niederholt

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)
)
Y RUN INC., doing business as)
Plaza Realty,)
)
Respondents.)

No. H-33707 LA
FIRST AMENDED
ACCUSATION

The Accusation filed on February 7, 2007, is amended
its entirety as follows:

The Complainant, Janice Waddell, a Deputy Real Estate
Commissioner of the State of California, for cause of Accusation
against Y RUN INC. dba Plaza Realty, alleges as follows:

1.

The Complainant, Janice Waddell, acting in her official
capacity as a Deputy Real Estate Commissioner of the State of
California, makes this Accusation against Y RUN INC.

///

2.

1 All references to the "Code" are to the California
2 Business and Professions Code and all references to "Regulations"
3 are to Title 10, Chapter 6, California Code of Regulations.
4

5
6 LICENSE HISTORY

7 3.

8 A. Y RUN INC. At all times mentioned, Y RUN INC.
9 ("YRI") was licensed or had license rights issued by the
10 Department of Real Estate ("Department") as a real estate broker.
11 On May 21, 2004, YRI was originally licensed as a real estate
12 broker.

13 B. At all times material herein, YRI was licensed by
14 the Department of Real Estate of the State of California
15 (hereinafter "Department") as a corporate real estate broker by
16 and originally through Guido A. Sacerio and presently by Rudolfo
17 Martinez, as the designated officer(s) and broker(s) responsible,
18 pursuant to Code Section 10159.2 of the Business and Professions
19 Code for supervising the activities requiring a real estate
20 license conducted on behalf YRI of by YRI's officers, agents and
21 employees. Guido A. Sacerio was the former designated officer of
22 YRI from May 21, 2004 until his death on January 8, 2006.
23 Rudolfo Martinez, real estate broker became the designated
24 officer of YRI on January 8, 2006, and continues thereon to date.

25 ///

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BROKERAGE

1
2 4.

3 At all times mentioned, in the City of Norwalk, County
4 of Los Angeles, YRI acted as a real estate broker and conducted
5 licensed activities within the meaning of:

6 A. Code Section 10131(a). YRI operated a residential
7 resale brokerage dba Plaza Realty; and

8 B. In addition, YRI conducted broker-controlled
9 escrows through its Plaza Realty escrow division under the
10 exemption set forth in California Financial Code Section
11 17006(a)(4) for real estate brokers performing escrows incidental
12 to a real estate transaction where the broker is a party and
13 where the broker is performing acts for which a real estate
14 license is required.

15
16 AUDIT

17 5.

18 On June 22, 2006, the Department completed an audit
19 examination of the books and records of YRI pertaining to the
20 broker-escrow activities described in Paragraph 4, that require a
21 real estate license. The audit examination covered a period of
22 time beginning on April 5, 2005 to April 28, 2006. The audit
23 examination revealed violations of the Code and the Regulations
24 as set forth in the following paragraphs, and more fully
25 discussed in Audit Report LA 050251 and the exhibits and
26 workpapers attached to said audit report.

TRUST ACCOUNTS

6.

At all times mentioned, in connection with the activities described in Paragraph 4, above, YRI accepted or received funds including funds in trust (hereinafter "trust funds") from or on behalf of actual or prospective parties to transactions handled by YRI and thereafter made deposits and or disbursements of such funds. From time to time herein mentioned during the audit period, said trust funds were deposited and/or maintained by YRI in the bank accounts as follows:

"Y Run Inc. dba Plaza Realty
Account No. 4010601972"
Pacific Western Bank
Downey, California ("T/A #1")

"Y Run Inc. dba Plaza Realty
Account No. 777002007"
First Regional Bank
Torrance, California ("T/A #2")

VIOLATIONS OF THE REAL ESTATE LAW

7.

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

(a) Permitted, allowed or caused the disbursement of trust funds from the escrow trust account, where the disbursement of funds reduced the total of aggregate funds in T/A #1, to an

1 amount which, on April 28, 2006, was \$10,096.03, less than the
2 existing aggregate trust fund liability of YRI to every principal
3 who was an owner of said funds, without first obtaining the prior
4 written consent of the owners of said funds, as required by Code
5 Section 10145 and Regulations 2832.1, 2950(d), 2950(g) and 2951.
6 On May 2, 2006, the shortage was cured.

7 (b) Received undisclosed compensation by means of an
8 earning credit agreement with the Pacific Western Bank. Bank
9 service charges were deducted from the earning credit from for
10 T/A #1. The earnings credit arrangement was not disclosed by YRI
11 to the beneficiaries of T/A #1, in violation of Code Section
12 10176(g).

13 (c) Failed to maintain a control record in the form of
14 a columnar record in chronological order of all trust funds
15 received, deposited and disbursed, as required by Code Section
16 10145 and Regulation 2831, 2950(d) and 2951.

17 (d) Failed to maintain a separate record for each
18 beneficiary or transaction, thereby failing to account for all
19 trust funds received, deposited and disbursed for the collection
20 trust account, as required by Code Section 10145 and Regulation
21 2831.1, 2950(d) and 2951.

22 (e) While acting in the capacity of an escrow holder
23 for Escrow No. 1565-RJ, for the sale and purchase of the real
24 property located at 401 Rancho Santiago, Orange, California,
25 wherein YRI failed to place trust funds, including a \$5,000
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1 earnest money deposit, received from buyer Francisca Sanchez,
2 accepted on behalf of another, to wit, sellers Evelyn
3 Wallace/Dexter Morris, into the hands of the owner of the funds,
4 a neutral escrow depository or into a trust fund account in the
5 name of the broker at a bank or other financial institution not
6 later than the next business day following receipt of the funds
7 by the broker or by the broker's salesperson, as required by Code
8 Section 10145 and Regulations 2832(e), 2950(f) and 2951.

9 (f) Failed to disclose in writing to all parties of his
10 financial interest and ownership of YRI's escrow division, Plaza
11 Realty, as required by Regulation 2950(h); and

12 (g) Failed to retain the salesperson license
13 certificate for Jeremy Christopher Bustos, in violation of Code
14 Section 10160 and Regulation 2753.

15 8.

16
17 The conduct of Respondent YRI, described in Paragraph
18 7, above, violated the Code and the Regulations as set forth
19 below:

20 PARAGRAPH

PROVISIONS VIOLATED

21
22 7(a)

Code Section 10145 and Regulations
23 2832.1, 2950(d), 2950(g), and 2951

24
25 7(b)

Code Section 10176(g)

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7(c) Code Section 10145 and Regulations
2831, 2950(d) and 2951

7(d) Code Section 10145 and Regulations
2831.1, 2950(d) and 2951

7(e) Code Section 10145 and Regulations
2832(e), 2950(f) and 2951

7(f) Regulation 2950(h)

7(g) Code Section 10160 and Regulation
2753

The foregoing violations constitutes cause for the suspension or revocation of the real estate license and license rights of YRI, under the provisions of Code Sections 10176(g), 10177(d) and/or 10177(g).

9.

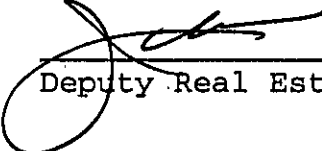
The overall conduct of Respondent YRI constitutes negligence or incompetence, including but not limited to the negligent handling of the selection of title company for the real property located at 401 Rancho Santiago, Orange, California, by sellers Evelyn Wallace/Dexter Morris and failing to amend escrow instructions to reflect the downward sale price from \$587,000 to

1 \$575,000. This conduct and violation are cause for the
2 suspension or revocation of the real estate license and license
3 rights of Respondent YRI pursuant to Code Section 10177(g).

4 WHEREFORE, Complainant prays that a hearing be
5 conducted on the allegations of this Accusation and that upon
6 proof thereof, a decision be rendered imposing disciplinary
7 action against the license and license rights of Respondent Y RUN
8 INC., under the Real Estate Law (Part 1 of Division 4 of the
9 Business and Professions Code) and for such other and further
10 relief including restitution as may be proper under other
11 applicable provisions of law.

12 Dated at Los Angeles, California

13 this *31 May 2007*


14 _____
15 Deputy Real Estate Commissioner
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24 cc: Y Run Inc.
25 c/o Rudolfo Martinez D.O.
26 Janice Waddell
27 Sacto
Audits - Elenita Morales

*Amado
Frey*

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
6 Telephone: (213) 576-6911 (direct)
7 -or- (213) 576-6982 (office)
8

FILED
FEB - 7 2007
DEPARTMENT OF REAL ESTATE

By *R. Niederholt*

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	No. H-33707 LA
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AUDIT

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On June 22, 2006, the Department completed an audit examination of the books and records of YRI pertaining to the broker-escrow activities described in Paragraph 4, that require a real estate license. The audit examination covered a period of time beginning on April 5, 2005 to April 28, 2006. The audit examination revealed violations of the Code and the Regulations as set forth in the following paragraphs, and more fully discussed in Audit Report LA 050251 and the exhibits and workpapers attached to said audit report.

TRUST ACCOUNTS

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9 (f) Failed to disclose in writing to all parties of his
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14 Section 10160 and Regulation 2753.

15 8.

16 The conduct of Respondent YRI, described in Paragraph
17 7, above, violated the Code and the Regulations as set forth
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20 PROVISIONS VIOLATED

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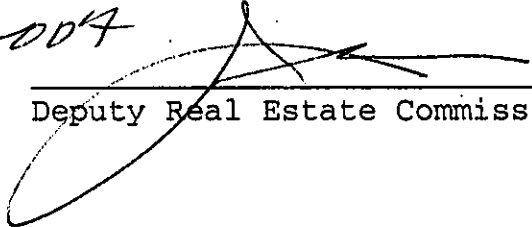
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6 action against the license and license rights of Respondent Y RUN
7 INC., under the Real Estate Law (Part 1 of Division 4 of the
8 Business and Professions Code) and for such other and further
9 relief including restitution as may be proper under other
10 applicable provisions of law.

11 Dated at Los Angeles, California

12 this *12 January 2004*

13 
14 _____
15 Deputy Real Estate Commissioner

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23
24 cc: Y Run Inc.
25 c/o Rudolfo Martinez D.O.
26 Janice Waddell
27 Sacto
Audits - Elenita Morales