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FILED
JUN - 3 2009
DEPARTMENT OF REAL ESTATE

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)	No. H-34972.LA
)	
DAVID WAYNE HOSKINS,)	
)	
Respondent.)	

ORDER DENYING RECONSIDERATION

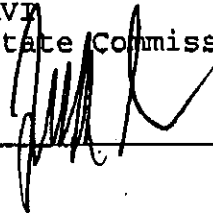
On February 18, 2009, a Decision was rendered in the above-entitled matter. The Decision was to become effective on May 4, 2009, but was stayed by separate Order to June 3, 2009.

On April 29, 2009, Respondent petitioned for reconsideration of the Decision of February 18, 2009.

I have given due consideration to the petition of Respondent. I find no good cause to reconsider the Decision of February 18, 2009, and reconsideration is hereby denied.

IT IS SO ORDERED 6-2-09

JEFF DAVIS
Real Estate Commissioner



Plan
5/20/09

FILED
MAY - 4 2009
DEPARTMENT OF REAL ESTATE
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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of) No. H-34972 LA
DAVID WAYNE HOSKINS,)
Respondent.)

ORDER STAYING EFFECTIVE DATE

On February 18, 2009, a Decision was rendered in the above-entitled matter to become effective May 4, 2009.

IT IS HEREBY ORDERED that the effective date of the Decision of February 18, 2009, is stayed for a period of 30 days to allow Respondent to file a petition for reconsideration.

The Decision of February 18, 2009, shall become effective at 12 o'clock noon on June 3, 2009.

DATED: May 4, 2009.

JEFF DAVI
Real Estate Commissioner

By: *[Signature]*
PHILLIP IHDE
Regional Manager

FILED
 APR 13 2009
 DEPARTMENT OF REAL ESTATE
 ESTATE

[Signature]

BEFORE THE DEPARTMENT OF REAL
 STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)
)
 DAVID WAYNE HOSKINS,)
)
 Respondent.)

No. H-34972 LA

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on February 5, 2009, and the findings of fact set forth herein are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and (3) other evidence.

FINDINGS OF FACT

I

On May 22, 2008, Joseph Aiu made the Accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California.

On June 9, 2008, Respondent filed a notice of defense requesting a hearing. A hearing was scheduled for December 4, 2008 and Respondent was duly notified. Respondent failed to appear at the hearing. The Order of Default was filed on February 5, 2009.

II

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

III

At all times herein mentioned, Respondent, on behalf of others in expectation of compensation, engaged in the business, acted in the capacity of, advertised or assumed to act as a real estate broker in the State of California within the meaning of Section 10131(b) of the Code, including soliciting owners and renters, negotiating leases and rental agreements, and collecting rents from real property.

IV

On or about June 20, 2007, the Department completed an examination of Respondent's books and records pertaining to the activities described in Paragraph III above covering a period from March 1, 2004, through May 31, 2007, which examination revealed violations of the Code and of the California Code of Regulations, Title 10, Chapter 6 (Regulations) as set forth below.

V

The examination described in Paragraph IV above determined that in connection with the activities described in Paragraph III above Respondent accepted or received funds including funds in trust (hereinafter "trust funds") from or on behalf of principals and thereafter made deposit or disbursement of such funds.

VI

In the course of activities described in Paragraphs III and V and during the examination period described in Paragraph IV Respondent acted in violation of the Code and the Regulations as follows, and as more specifically set forth in Audit Report No. SD 060025 and related exhibits.

1. Violated Code Section 10145(a) and Regulation 2832 by collecting rents and failing to deposit the funds into a real estate broker trust account.
2. Violated Code Section 10176(e) by commingling the rents collected with the broker's own money or property.
3. Violated Code Section 10176(i) by converting rents collected to the broker's own benefit without the knowledge or permission of the owners of the funds.

4. Violated Regulation 2831 by failing to maintain a columnar record of all receipts and disbursements for the broker's trust account.
5. Violated Regulation 2831.1 by failing to maintain separate records for each beneficiary or transaction for the broker's trust account.
6. Violated Regulation 2831.2 in that the columnar record was not reconciled with the separate records on a monthly basis.
7. Violated Regulation 2731 by using the unlicensed fictitious business name Sand & Sea Properties in the broker's real estate brokerage activities.
8. Violated Regulation 2715 by failing to notify the Department of Real Estate when the broker changed his main business address.
9. Violated Regulation 2726 by failing to maintain a broker-salesperson contract with each salesperson in the broker's employ.

DETERMINATION OF ISSUES

I

Cause for disciplinary action against Respondent exists pursuant to Business and Professions Code Sections 10176(e), 10176(i), 10177(d) and 10177(g).

II

The standard of proof applied was clear and convincing proof to a reasonable certainty.

ORDER

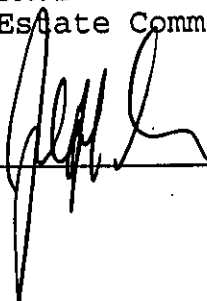
All licenses and license rights of Respondent DAVID WAYNE HOSKINS under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon May 4, 2009

DATED: _____

2-18-09

JEFF DAVI
Real Estate Commissioner



A handwritten signature in black ink, appearing to read 'Jeff Davi', is written over a horizontal line.

5/27/08
Play

1 JAMES R. PEEL, Counsel (SBN 47055)
2 Department of Real Estate
3 320 West Fourth Street, Suite 350
4 Los Angeles, CA 90013-1105
5
6
7
8 Telephone: (213) 576-6982
9 -or- (213) 576-6913 (Direct)

FILED
MAY 27 2008
DEPARTMENT OF REAL ESTATE
By *[Signature]*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H-34972 LA
12 DAVID WAYNE HOSKINS,) A C C U S A T I O N
13)
14 Respondent.)

15
16 The Complainant, Joseph Aiu, a Deputy Real Estate
17 Commissioner of the State of California, for cause of Accusation
18 against DAVID WAYNE HOSKINS, alleges as follows:

19 I

20 The Complainant, Joseph Aiu, acting in his official
21 capacity as a Deputy Real Estate Commissioner of the State of
22 California, makes this Accusation against DAVID WAYNE HOSKINS.

23 II

24 DAVID WAYNE HOSKINS (hereinafter referred to as
25 "Respondent") is presently licensed and/or has license rights
26 under the Real Estate Law (Part 1 of Division 4 of the Business
27 and Professions Code, hereinafter Code).

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III

At all times herein mentioned, Respondent was licensed by the Department of Real Estate of the State of California as a real estate broker.

IV

At all times herein mentioned, Respondent, on behalf of others in expectation of compensation, engaged in the business, acted in the capacity of, advertised or assumed to act as a real estate broker in the State of California within the meaning of Section 10131(b) of the Code including soliciting owners and renters, negotiating leases and rental agreements, and collecting rents from real property.

V

On or about June 20, 2007, the Department completed an examination of Respondent's books and records, pertaining to the activities described in Paragraph IV above, covering a period from March 1, 2004, through May 31, 2007, which examination revealed violations of the Business and Professions Code (Code) and of the California Code of Regulations, Title 10, Chapter 6 (Regulations) as set forth below.

VI

The examination described in Paragraph V above, determined that, in connection with the activities described in Paragraph IV above, Respondent accepted or received funds, including funds in trust (hereinafter "trust funds") from or on behalf of principals, and thereafter made deposit or disbursement of such funds.

VII

1
2 In the course of activities described in Paragraphs IV
3 and VI and during the examination period described in Paragraph
4 V, Respondent acted in violation of the Code and the Regulations
5 as follows, and as more specifically set forth in Audit Report
6 No. SD 060025 and related exhibits.

7 1. Violated Code Section 10145(a) and Regulation 2832
8 by collecting rents and failing to deposit the funds into a real
9 estate broker trust account.

10 2. Violated Code Section 10176(e) by commingling the
11 rents collected with the broker's own money or property.

12 3. Violated Code Section 10176(i) by converting rents
13 collected to the broker's own benefit without the knowledge or
14 permission of the owners of the funds.

15 4. Violated Regulation 2831 by failing to maintain a
16 columnar record of all receipts and disbursements for the
17 broker's trust account.

18 5. Violated Regulation 2831.1 by failing to maintain
19 separate records for each beneficiary or transaction for the
20 broker's trust account.

21 6. Violated Regulation 2831.2 in that the columnar
22 record was not reconciled with the separate records on a monthly
23 basis.

24 7. Violated Regulation 2731 by using the unlicensed
25 fictitious business name Sand & Sea Properties in the broker's
26 real estate activities.

27

1 8. Violated Regulation 2715 by failing to notify the
2 Department of Real Estate when the broker changed his main
3 business address.

4 9. Violated Regulation 2726 by failing to maintain a
5 broker-salesperson contract with each salesperson in the broker's
6 employ.

7 VIII

8 The conduct of Respondent, as alleged above, subjects
9 his real estate licenses and license rights to suspension or
10 revocation pursuant to Sections 10176(e), 10176(i), 10177(d),
11 and/or 10177(g) of the Code.

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

20 Dated at San Diego, California

21 this 12 day of May, 2008.

22
23 
24 Joseph Aiu
25 Deputy Real Estate Commissioner

26 cc: David Wayne Hoskins
27 Audit Section
Joseph Aiu
Sacto