

Sachs

1 Department of Real Estate
2 320 West 4th Street, Ste. 350
3 Los Angeles, California 90013-1105
4 Telephone: (213) 576-6982 (office)

FILED

JUN - 4 2009

DEPARTMENT OF REAL ESTATE
BY: *Aguera*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

11 In the Matter of the Accusation of)
12)
13 RONALD L. WOLFE & ASSOCIATES INC.)
14 and RONALD LEIGH WOLFE,)
15 individually and as designated)
16 officer of Ronald L. Wolfe &)
17 Associates Inc.,)
18 Respondents.)

No. H-35780 LA

STIPULATION
AND
AGREEMENT

19 It is hereby stipulated by and between Respondents
20 RONALD L. WOLFE & ASSOCIATES INC. and RONALD LEIGH WOLFE,
21 individually and as designated officer of Ronald L. Wolfe &
22 Associates Inc., (sometimes referred to as "Respondents"), and
23 the Complainant, acting by and through Elliott Mac Lennan,
24 Counsel for the Department of Real Estate, as follows for the
25 purpose of settling and disposing of the Accusation
26 ("Accusation") filed on March 13, 2009, in this matter:
27

1 1. All issues which were to be contested and all
2 evidence which was to be presented by Complainant and Respondents
3 at a formal hearing on the Accusation, which hearing was to be
4 held in accordance with the provisions of the Administrative
5 Procedure Act ("APA"), shall instead and in place thereof be
6 submitted solely on the basis of the provisions of this
7 Stipulation and Agreement ("Stipulation").

8 2. Respondents have received, read and understand the
9 Statement to Respondent, the Discovery Provisions of the APA and
10 the Accusation filed by the Department of Real Estate in this
11 proceeding.

12 3. Respondents timely filed a Notice of Defense
13 pursuant to Section 11506 of the Government Code for the purpose
14 of requesting a hearing on the allegations in the Accusation.
15 Respondents hereby freely and voluntarily withdraw said Notice of
16 Defense. Respondents acknowledge that they understand that by
17 withdrawing said Notice of Defense they thereby waive their right
18 to require the Commissioner to prove the allegations in the
19 Accusation at a contested hearing held in accordance with the
20 provisions of the APA and that they will waive other rights
21 afforded to them in connection with the hearing such as the right
22 to present evidence in their defense and the right to cross-
23 examine witnesses.
24

25 ///

26 ///

27

1 4. This Stipulation is based on the factual
2 allegations contained in the Accusation. In the interest of
3 expedience and economy, Respondents choose not to contest these
4 allegations, but to remain silent and understand that, as a
5 result thereof, these factual allegations, without being admitted
6 or denied, will serve as a prima facie basis for the disciplinary
7 action stipulated to herein. The Real Estate Commissioner shall
8 not be required to provide further evidence to prove said factual
9 allegations.

10 5. This Stipulation is made for the purpose of
11 reaching an agreed disposition of this proceeding and is
12 expressly limited to this proceeding and any other proceeding or
13 case in which the Department of Real Estate ("Department"), the
14 state or federal government, or any agency of this state, another
15 state or federal government is involved.

16 6. It is understood by the parties that the Real
17 Estate Commissioner may adopt this Stipulation as his Decision in
18 this matter thereby imposing the penalty and sanctions on
19 Respondents' real estate licenses and license rights as set forth
20 in the "Order" herein below. In the event that the Commissioner
21 in his discretion does not adopt the Stipulation, it shall be
22 void and of no effect and Respondents shall retain the right to a
23 hearing and proceeding on the Accusation under the provisions of
24 the APA and shall not be bound by any stipulation or waiver made
25 herein.
26
27

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

9 8. Respondents understand that by agreeing to this
10 Stipulation, Respondents agree to pay, pursuant to Business and
11 Professions Code Section 10148, the cost of the audit. The
12 amount of said cost for the audit is \$3,464.61.

13 9. Respondents have received, read, and understand the
14 "Notice Concerning Costs of Subsequent Audit". Respondents
15 further understand that by agreeing to this Stipulation, the
16 findings set forth below in the Determination of Issues become
17 final, and the Commissioner may charge Respondents for the cost
18 of any subsequent audit conducted pursuant to Business and
19 Professions Code Section 10148 to determine if the violations
20 have been corrected. The maximum cost of the subsequent audit
21 will not exceed \$3,464.61.

22 ///

23 ///

24 ///

25 ///

26 ///

DETERMINATION OF ISSUES

1 By reason of the foregoing, it is stipulated and agreed
2 that the following determination of issues shall be made:
3

4 I.

5 The conduct, acts or omissions of RONALD L. WOLFE &
6 ASSOCIATES INC. and RONALD LEIGH WOLFE , as described in
7 Paragraph 4, above, are in violation of Section 10145 of the
8 Business and Professions Code ("Code") and is a basis for
9 discipline of Respondents' license and license rights as a
10 violation of the Real Estate Law pursuant to Code Section
11 10177(d).

12 style="text-align: center;">ORDER

13 WHEREFORE, THE FOLLOWING ORDER is hereby made:

14 I.

15 The license and licensing rights of Respondents RONALD
16 L. WOLFE & ASSOCIATES INC. and RONALD LEIGH WOLFE, under the Real
17 Estate Law, are suspended for a period of sixty (60) days from
18 the effective date of this Decision.

19 A. Provided, however, that if Respondents request, the
20 initial thirty (30) days of said suspension (or a portion
21 thereof) shall be stayed for two (2) years upon condition that:

22 1. Each Respondent pays a monetary penalty pursuant to
23 Section 10175.2 of the Business and Professions Code at the rate
24 of \$33.33 per day for each day of the suspension for a monetary
25 penalty of \$1,000, or \$2,000 total.

1 2. Said payment shall be in the form of a cashier's
2 check or certified check made payable to the Recovery Account of
3 the Real Estate Fund. Said check must be received by the
4 Department prior to the effective date of the Decision in this
5 matter.

6 3. No further cause for disciplinary action against
7 the real estate license of Respondents occur within two (2) years
8 from the effective date of the Decision in this matter.

9 4. If Respondents fail to pay the monetary penalty in
10 accordance with the terms of the Decision, the Commissioner may,
11 without a hearing, order the immediate execution of all or any
12 part of the stayed suspension, in which event the Respondent
13 shall not be entitled to any repayment nor credit, prorated or
14 otherwise, for money paid to the Department under the terms of
15 this Decision.

16 5. If Respondents pay the monetary penalty and if no
17 further cause for disciplinary action against the real estate
18 license of Respondent occurs within two (2) years from the
19 effective date of the Decision, the stay hereby granted shall
20 become permanent.

21 B. The remaining thirty (30) days of the sixty (60)
22 day suspension shall be stayed for two (2) years upon the
23 following terms and conditions:

24 (a) Respondents shall obey all laws, rules and
25 regulations governing the rights, duties and responsibilities of
26
27

1 a real estate licensee in the State of California; and

2 (b) That no final subsequent determination be made
3 after hearing or upon stipulation, that cause for disciplinary
4 action occurred within two (2) years from the effective date of
5 this Decision. Should such a determination be made, the
6 Commissioner may, in his discretion, vacate and set aside the
7 stay order and reimpose all or a portion of the stayed
8 suspension. Should no such determination be made, the stay
9 imposed herein shall become permanent.

10 II.

11 Pursuant to Section 10148 of the Business and
12 Professions Code, Respondents RONALD L. WOLFE & ASSOCIATES INC.
13 and RONALD LEIGH WOLFE shall pay the Commissioner's reasonable
14 cost for (a) the audit which led to this disciplinary action (b)
15 a subsequent audit to determine if Respondents are now in
16 compliance with the Real Estate Law. The cost of the audit which
17 led to this disciplinary action is \$3,464.61. In calculating the
18 amount of the Commissioner's reasonable cost, the Commissioner
19 may use the estimated average hourly salary for all persons
20 performing audits of real estate brokers, and shall include an
21 allocation for travel time to and from the auditor's place of
22 work. Said amount for the prior and subsequent audits shall not
23 exceed \$6,929.22.

24
25 Respondents shall pay such cost within 60 days of
26 receiving an invoice from the Commissioner detailing the
27

1 activities performed during the audit and the amount of time
2 spent performing those activities.

3 The Commissioner may suspend the license of Respondents
4 pending a hearing held in accordance with Section 11500, et seq.,
5 of the Government Code, if payment is not timely made as provided
6 for herein, or as provided for in a subsequent agreement between
7 the Respondent and the Commissioner. The suspension shall remain
8 in effect until payment is made in full or until Respondents
9 enter into an agreement satisfactory to the Commissioner to
10 provide for payment, or until a decision providing otherwise is
11 adopted following a hearing held pursuant to this condition.

12 III.

13 All licenses and licensing rights of Respondent RONALD
14 LEIGH WOLFE are indefinitely suspended unless or until
15 Respondent provides proof satisfactory to the Commissioner, of
16 having taken and successfully completed the continuing education
17 course on trust fund accounting and handling specified in
18 paragraph (3) of subdivision (a) of Section 10170.5 of the
19 Business and Professions Code. Proof of satisfaction of this
20 requirement includes evidence that Respondent has successfully
21 completed the trust fund account and handling continuing
22 education course by the effective date of the Decision or within
23 120 days prior to the effective date of the Decision.

24
25 ///

26 ///

27

MAILING AND FACSIMILE

1 Respondents (1) shall mail the original signed
2 signature page of the stipulation herein to Elliott Mac Lennan:
3 Attention: Legal Section, Department of Real Estate, 320 W.
4 Fourth St., Suite 350, Los Angeles, California 90013-1105.

5 Respondents shall also (2) facsimile a copy of signed signature
6 page, to the Department at the following telephone/fax number:
7 (213) 576-6917, Attention: Elliott Mac Lennan.

8
9 ~~A facsimile constitutes acceptance and approval of the~~
10 terms and conditions of this stipulation. Respondents agree,
11 acknowledge and understand that by electronically sending to the
12 Department a facsimile copy of Respondents' actual signature as
13 it appears on the stipulation that receipt of the facsimile copy
14 by the Department shall be as binding on Respondents as if the
15 Department had received the original signed stipulation.

16
17 DATED:

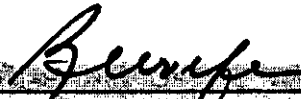
5/5/2009



RONALD L. WOLFE & ASSOCIATES INC.,
a corporate real estate broker,
BY: RONALD LEIGH WOLFE D.O.,
Respondent

18
19
20
21 DATED:

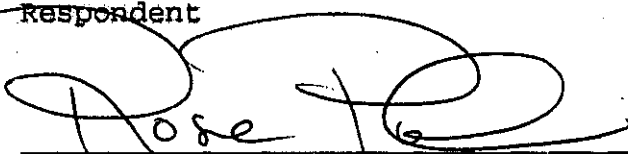
5/5/2009



RONALD L. WOLFE & ASSOCIATES INC.,
a corporate real estate broker,
BY: RONALD LEIGH WOLFE D.O.,
Respondent

22
23
24
25 DATED:

5/5/09



ROSE POTHIER, ESQ.
Attorney for Respondents
Approved as to form


* * *

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

The foregoing Stipulation and Agreement is hereby
adopted as my Decision as to Respondents RONALD L. WOLFE &
ASSOCIATES INC. and RONALD LEIGH WOLFE, individually and as
designated officer of Ronald L. Wolfe & Associates Inc. and shall
become effective at 12 o'clock noon on _____ July 6,
2009.

IT IS SO ORDERED 5/25, 2009.

JEFF DAVI
Real Estate Commissioner



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

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

FILED

MAR 13 2009

DEPARTMENT OF REAL ESTATE

BY: *R. J. Wiley*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

No. H- 35780 LA

12 RONALD L. WOLFE & ASSOCIATES INC.,)

A C C U S A T I O N

13 and RONALD LEIGH WOLFE,)

14 individually and as designated)

officer of Ronald L. Wolfe &)

15 Associates Inc.,)

16 Respondents.)

17 The Complainant, Robin Trujillo, a Deputy Real Estate
18 Commissioner of the State of California, for cause of Accusation
19 against RONALD L. WOLFE & ASSOCIATES INC. and RONALD LEIGH WOLFE,
20 individually and as designated officer of Ronald L. Wolfe &
21 Associates Inc., alleges as follows:

22 1.

23 The Complainant, Robin Trujillo, acting in her official
24 capacity as a Deputy Real Estate Commissioner of the State of
25 California, makes this Accusation against RONALD L. WOLFE &
26 ASSOCIATES INC. and RONALD LEIGH WOLFE.
27

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 LICENSE HISTORY

6 3.

7 A. At all times mentioned, RONALD L. WOLFE &
8 ASSOCIATES INC. ("RLWA") was licensed or had license rights
9 issued by the Department of Real Estate ("Department") as a
10 restricted real estate broker. On August 14, 1984, RLWA was
11 originally licensed as a real estate broker by and through RONALD
12 LEIGH WOLFE as designated officer.

13 B. At all times mentioned, RONALD LEIGH WOLFE
14 ("WOLFE") was licensed or had license rights issued by the
15 Department as a real estate broker. On August 15, 1980, WOLFE
16 was originally licensed as a real estate broker.
17

18 C. At all times material herein, RLWA was licensed by
19 the Department as a corporate real estate broker by and through
20 WOLFE, as the designated officer and broker responsible, pursuant
21 to Code Section 10159.2 for supervising the activities requiring
22 a real estate license conducted on behalf RLWA of by RLWA's
23 officers, agents and employees, including WOLFE.

24 D. On October 10, 2002, in Case No. H-29721 LA, an
25 Accusation was filed against Respondents that resulted in
26 stipulated discipline of Respondents' real estate broker
27

1 licenses, effective April 2, 2003, as more fully set forth below
2 in Paragraph 12.

3 E. On April 20, 1995, in Case No. H-26138 LA, an
4 Accusation was filed against Respondents that resulted in
5 stipulated discipline of Respondents' real estate broker
6 licenses, effective September 12, 1996, as more fully set forth
7 below in Paragraph 13.

8 F. On June 18, 1991, in Case No. H-26444 LA, an ORDER
9 TO DESIST AND REFRAIN was filed against Repondents' real estate
10 broker licenses, as more fully set forth below in Paragraph 14;
11 and

12 G. On June 10, 1991, in Case No. H-24643 LA, an
13 Accusation was filed against Respondents that resulted in
14 stipulated discipline of Respondents' real estate broker
15 licenses, effective October 27, 1992, as more fully set forth
16 below in Paragraph 15.

17 LICENSED ACTIVITIES AND BROKERAGE

18 RONALD L. WOLFE & ASSOCIATES INC.

19 4.

20
21 At all times mentioned, in the City of Hawthorne,
22 County of Los Angeles, RLWA acted as a real estate broker and
23 conducted licensed activities within the meaning of Code Section
24 10131(b). RLWA operated a property management brokerage.

25 ///

26 ///

27

AUDIT

5.

On February 19, 2008, the Department completed an audit examination of the books and records of RLWA pertaining to the property management activities described in Paragraph 4, that require a real estate license. The audit examination covered a period of time beginning on June 1, 2005 to December 31, 2007. 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 070190 and the exhibits and work papers attached to said audit report.

TRUST ACCOUNTS

6.

At all times mentioned, in connection with the activities described in Paragraph 4, above, RLWA accepted or received funds including funds in trust (hereinafter "trust funds") from or on behalf of actual or prospective parties to transactions handled by RLWA including property owners and tenants. RLWA maintained thirty four (34) trust accounts. For the purpose of audit examination La 070190 the following three (3) trust accounts pertain:

"Ronald L. Wolfe & Associates Inc. Management Trust Account
3026833"
Rabobank
5340 Hollister Ave.
Santa Barbara, CA 93111

(T/A #1)

1 "Ronald L. Wolfe & Associates Inc. Real Estate Trust Account
3201302311"

2 Rabobank

3 5340 Hollister Ave.

Santa Barbara, CA 93111

(T/A #2)

4
5 "Ronald L. Wolfe & Associates Inc. Real Estate Trust Account
6 9401 Jornada LLC, The Oaks
3200917411"

7 Rabobank

5340 Hollister Ave.

Santa Barbara, CA 93111

(T/A #3)

9 VIOLATIONS OF THE REAL ESTATE LAW

10 7.

11 In the course of activities described in Paragraphs 4
12 and 6, above, and during the examination period described in
13 Paragraph 5, Respondents RLWA and WOLFE, acted in violation of
14 the Code and the Regulations in that they:

15 (a) With respect to trust fund handling, RWLA failed to
16 forward the balance due from trust funds received in its capacity
17 as property manager for real estate under management for
18 principal, Leonard Himelsein, to wit,

- 19 • 205 Wickenden, Los Alamos
- 20 • 211 Wickenden, Los Alamos
- 21 • 666 Waite St., Los Alamos
- 22 • 685 Main St., Los Alamos

23
24 as required by Code Sections 10145(a) and 10177(g). Between
25 November 2006 through April 2007, RLWA and WOLFE did not follow
26 the instructions from the principal pursuant to the management
27

1 agreement for the aforesaid properties to remit monthly the
2 collected property rentals; and

3 (b) Received undisclosed compensation in the form of an
4 earning credit agreement with Rabobank whereby RWLA received bank
5 charges offsets on the basis of the amount of deposits of
6 property management trust funds, which were not disclosed to the
7 property owners, in violation of Code Section 10176(g).

8 DISCIPLINARY STATUTES AND REGULATIONS

9 8.

10 The conduct of Respondents RLWA and WOLFE, as alleged
11 and described in Paragraph 7, above, violated the Code and the
12 Regulations as set forth below:

13 PARAGRAPH

PROVISIONS VIOLATED

14
15 7(a)

Code Sections 10145(a) and 10177(g)

16
17 7(b)

Code Section 10176(g)

18 The foregoing violations constitute cause for the suspension or
19 revocation of the real estate license and license rights of RLWA
20 and WOLFE under the provisions of Code Sections 10176(g),
21 10177(d) and/or 10177(g).

22 NEGLIGENCE

23 11.

24 The overall conduct of Respondents RLWA and WOLFE
25 constitutes negligence and is cause for the suspension or
26 revocation of the real estate license and license rights of said
27 Respondents pursuant to Code Section 10177(g).

PRIOR DEPARTMENT ACTION

12.

On October 10, 2002, in Case No. H-29721 LA, an Accusation was filed against Respondents RLWA and WOLFE that resulted in stipulated discipline including a one hundred day suspension of Respondents' restricted real estate broker licenses on terms and conditions for violations of Code Sections 10145 and Regulations 2831, 2831.2, 2832.1 and 2835 for RWLA; and Code Section 10159.2 and 10177(h) for WOLFE, effective April 2, 2003.

PRIOR DEPARTMENT ACTION

13.

On April 20, 1995, in Case No. H-26138 LA, an Accusation was filed against Respondents RLWA and WOLFE's that resulted in stipulated discipline including revocation of real estate broker licenses with right to new restricted real estate broker licenses and a ninety day suspension of said restricted licenses, sixty days stayed for two years, thirty days stayed on terms and conditions including a monetary penalty, for violations of Code Sections 10176(e), 10176(g), 10177(k) and Regulations 2831, 2831.1, 2831.2, as to RWLA; and, Code Sections 10177(d), 10177(h), 10177(k) and Regulation 2725 as to WOLFE, effective September 12, 1996.

///

///

///

PRIOR DEPARTMENT ACTION

14.

On June 18, 1991, in Case No. H-26444 LA, an ORDER TO DESIST AND REFRAIN was filed against Repondents RWLA and WOLFE, under Section 10086 of the Code (Engaging in Prohibited Activity, Order to Desist and Refrain) for violations of Code Section 10145 and 10176(e) and Regulations 2830, 2831, 2831.2, 2832 and 2832.1 of Title 10, Chapter 6, California Code of Regulations.

PRIOR DEPARTMENT ACTION

15.

On June 10, 1991, in Case No. H-24643 LA, an Accusation was filed against Respondents RLWA and WOLFE's that resulted in stipulated discipline including revocation of real estate broker licenses with right to restricted real estate broker licenses, effective October 27, 1992.

///

///

///

///

///

///

///

///

///

///

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 the license and license rights of Respondents
5 RONALD L. WOLFE & ASSOCIATES INC. and RONALD LEIGH WOLFE, under
6 the Real Estate Law (Part 1 of Division 4 of the Business and
7 Professions Code) and for such other and further relief as may be
8 proper under other applicable provisions of law.

9 Dated at Los Angeles, California

10 this 11 day of March 2009.

11 
12 Deputy Real Estate Commissioner

13
14
15
16
17
18
19
20
21
22
23
24 cc: Ronald L. Wolfe & Associates Inc.
25 c/o Ronald Leigh Wolfe D.O.
26 Robin Trujillo
27 Sacto
Audits - Manijeh Khazrai