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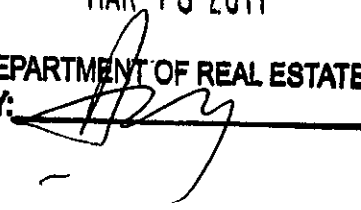
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ELLIOTT MAC LENNAN, SBN 66674
Department of Real Estate
320 West 4th Street, Ste. 350
Los Angeles, California 90013-1105

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

FILED

MAR 18 2011

DEPARTMENT OF REAL ESTATE
BY: 

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of	)	No. H-36157 LA
	)	
GOLDEN STATE CAPITAL GROUP INC.	)	
doing business as Platinum One	)	<u>FIRST AMENDED</u>
Real Estate Services;	)	
	)	<u>ACCUSATION</u>
RICHARD IRA SINDELL, individually	)	
and as designated officer of	)	
Golden State Capital Group Inc.;	)	
	)	
MICHAEL HERRERA; and	)	
	)	
PEDRO VAZQUEZ,	)	
	)	
Respondents.	)	

The Accusation filed on August 4, 2009, is amended in
its entirety as follows:

The Complainant, Robin Trujillo, a Deputy Real Estate
Commissioner of the State of California, for cause of Accusation
against GOLDEN STATE CAPITAL GROUP INC. dba Platinum One Real
Estate Services and RICHARD IRA SINDELL, individually and as

1 designated officer of Golden State Capital Group Inc., MICHAEL
2 HERRERA and PEDRO VAZQUEZ alleges as follows:

3 1.

4 The Complainant, Robin Trujillo, acting in her official
5 capacity as a Deputy Real Estate Commissioner of the State of
6 California, makes this Accusation.

7 2.

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

11 License Status

12 3.

13 A. At all times mentioned, GOLDEN STATE CAPITAL GROUP
14 INC. ("GSCGI") was licensed or had license rights issued by the
15 Department of Real Estate ("Department") as a real estate broker.
16 On June 29, 2004, GSCGI was originally licensed as a corporate
17 real estate broker.

18 B. At all times mentioned, RICHARD IRA SINDELL
19 ("SINDELL") was licensed or had license rights issued by the
20 Department as a real estate broker. On November 19, 1979,
21 SINDELL was originally licensed as a real estate broker. On June
22 29, 2004, SINDELL was licensed as the designated officer or
23 GSCGI;

24 C. At all times material herein, GSCGI was licensed by
25 the Department as a corporate restricted real estate broker by
26 and through SINDELL, as the designated officer and broker
27 responsible, pursuant to Code Sections 10159.2 and 10211 of the

1 Business and Professions Code for supervising the activities
2 requiring a real estate license conducted on behalf GSCGI of by
3 GSCGI's officers, agents and employees, including SINDELL.

4 D. At all times mentioned, MICHAEL HERRERA ("HERRERA")
5 was licensed or had license rights issued by the Department as a
6 real estate salesperson. On February 26, 2004, HERRERA was
7 originally licensed as a real estate salesperson. HERRERA was
8 employed as tabled below:

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EMPLOYER	DATES OF EMPLOYMENT
GSCGI	September 3, 2008 to date
GSCGI	April 24, 2008 to June 28, 2008
SINDELL	March 3, 2008 to April 23, 2008
GSCGI	June 18, 2007 to March 2, 2008

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19 E. At all times mentioned, PEDRO VAZQUEZ ("VAZQUEZ")
20 was licensed or had license rights issued by the Department as a
21 real estate salesperson. On October 5, 2006, VAZQUEZ was
22 originally licensed as a real estate salesperson. VAZQUEZ was
23 employed as tabled below:

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EMPLOYER	DATES OF EMPLOYMENT
GSCGI	September 30, 2008 to November 5, 2008

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1 required, including negotiating residential resales, in violation
2 of Code Section 10137, as set forth below:

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4 SELLER	NEGOTIATING AGENT	DATE OF AGREEMENT
5 CORTEZ	VAZQUEZ	July 16, 2008
6 GAETA	HERRERA (VAZQUEZ' signature)	July 29, 2008
7 MORA	HERRERA VAZQUEZ' signature)	May 13, 2008
8 VILLAREAL	HERRERA	May 1, 2008

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16 (c) (2) HERRERA and VAZQUEZ. Performed acts for which a
17 real estate license is required, including soliciting for
18 negotiating real property purchases and sales for the sellers
19 tabled above during a period of time when HERRERA and VAZQUEZ
20 were not licensed to either GSCGI or SINDELL, in violation of
21 Code Section 10130.

22 (c) (3) HERRERA and VAZQUEZ. Were employed by and/or
23 accepted compensation from GSCGI or SINDELL, neither of whom was
24 their real estate broker, performing acts for which a real estate
25 license is required, in violation of Code Section 10137.

1 (c)(4) HERRERA and VAZQUEZ. Substituted themselves,
2 one signing for the other, in the Gaeta and Mora sale
3 transactions, in violation of Code Section 10176(i) and/or
4 10177(g).

5 (d) GSCGI and SINDELL. Used the fictitious names of
6 "Golden State Capital and Golden State Capital Group", to conduct
7 licensed activities including without holding licenses bearing
8 said fictitious business names, in violation of Code Section
9 10159.5 and Regulation 2731.

10 Disciplinary Statutes And Regulations

11 8.

12 The conduct of Respondents as described in Paragraph 7,
13 above, violated the Code and the Regulations as set forth below:

14 PARAGRAPH

15 PROVISIONS VIOLATED

16 7(a)

Code Section 10145 and Regulation
17 2831 (GSCGI and SINDELL)

18 7(b)

Code Section 10145 and Regulation
19 2832(d) (GSCGI and SINDELL)

20 7(c)(1)

Code Section 10137 (GSCGI)

21 7(c)(2)

Code Section 10130 (HERRERA and
22 VAZQUEZ)

1 7(c)(3)

Code Section 10137 (HERRERA and
VAZQUEZ)

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4 7(c)(4)

Code Section 10176(i) and/or
10177(g) (HERRERA and VAZQUEZ)

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6
7 7(d)

Code Section 10159.5 and Regulation
2731 (GSCGI and SINDELL)

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9
10 The foregoing violations constitute cause for discipline of the
11 real estate license and license rights of GSCGI and SINDELL,
12 HERRERA and VAZQUEZ, under the provisions of Code Sections
13 10177(d) and/or 10177(g), and HERRERA and VAZQUEZ, under the
14 provisions of Code Sections 10176(i), 10177(d) and/or 10177(g)

15 Negligence

16 9.

17 The overall conduct of Respondents GSCGI and SINDELL
18 constitutes negligence or incompetence. This conduct and
19 violation are cause for the suspension or revocation of the real
20 estate license and license rights of Respondents GSCGI and
21 SINDELL pursuant to Code Section 10177(g).

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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 the license and license rights of Respondents
5 GOLDEN STATE CAPITAL GROUP INC., RICHARD IRA SINDELL, MICHAEL
6 HERRERA and PEDRO VAZQUEZ under the Real Estate Law (Part 1 of
7 Division 4 of the Business and Professions Code) and for such
8 other and further relief as may be proper under other applicable
9 provisions of law including restitution and costs of audit.

10 Dated at Los Angeles, California

11 this 17 day of March 2011.


Deputy Real Estate Commissioner

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23 cc: Golden State Capital Group Inc.
24 c/o Richard Ira Sindell D.O.
25 Michael Herrera
26 Pedro Vazquez
27 Robin Trujillo
 Sacto
 Audits - Manijeh Khazrai

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

AUG - 4 2009

DEPARTMENT OF REAL ESTATE
BY: [Signature]

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of

GOLDEN STATE CAPITAL GROUP INC.
doing business as Platinum One
Real Estate Services; and
RICHARD IRA SINDELL, individually
and as designated officer of
Golden State Capital Group Inc.

Respondents.

No. H- 36157 LA

A C C U S A T I O N

The Complainant, Robin Trujillo, a Deputy Real Estate
Commissioner of the State of California, for cause of Accusation
against GOLDEN STATE CAPITAL GROUP INC. dba Platinum One Real
Estate Services and RICHARD IRA SINDELL, individually and as
designated officer of Golden State Capital Group Inc., alleges as
follows:

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1.

The Complainant, Robin Trujillo, acting in her official capacity as a Deputy Real Estate Commissioner of the State of California, makes this Accusation against GOLDEN STATE CAPITAL GROUP INC. and RICHARD IRA SINDELL.

2.

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

License History

3.

A. At all times mentioned, GOLDEN STATE CAPITAL GROUP INC. ("GSCGI") was licensed or had license rights issued by the Department of Real Estate ("Department") as a real estate broker. On June 29, 2004, GSCGI was originally licensed as a corporate real estate broker.

B. At all times mentioned, RICHARD IRA SINDELL ("SINDELL") was licensed or had license rights issued by the Department as a real estate broker. On November 19, 1979, SINDELL was originally licensed as a real estate broker. On June 29, 2004, SINDELL was licensed as the designated officer or GSCGI; and

C. At all times material herein, GSCGI was licensed by the Department as a corporate restricted real estate broker by and through SINDELL, as the designated officer and broker responsible, pursuant to Code Sections 10159.2 and 10211 of the

1 Business and Professions Code for supervising the activities
2 requiring a real estate license conducted on behalf GSCGI of by
3 GSCGI's officers, agents and employees, including SINDELL.

4 Brokerage

5 4.

6 At all times mentioned, in Sherman Oaks, County of Los
7 Angeles, GSCGI dba Platinum One Real Estate Services acted as a
8 real estate broker and conducted licensed activities within the
9 meaning of Code Section 10131(a). Respondents engaged in the
10 business of, acted in the capacity of, advertised or assumed to
11 act as a real estate broker, including the solicitation for
12 listings of and the negotiation of the sale of real property as
13 the agent of others.

14 Audit

15 5.

16 On February 5, 2009, the Department completed an audit
17 examination of the books and records of GSCGI pertaining to the
18 residential resale activities described in Paragraph 4 that
19 require a real estate license. The audit examination covered a
20 period of time beginning on March 1, 2006 to November 30, 2008.
21 The audit examination revealed violations of the Code and the
22 Regulations as set forth in the following paragraphs, and more
23 fully discussed in Audit Report LA 080133 and the exhibits and
24 work papers attached to said audit report.

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Trust Account

6.

No trust account was kept during the audit period.

Violations Of The Real Estate Law

7.

In the course of activities described in Paragraph 4, above, and during the examination period described in Paragraph 5, Respondents GSCGI and SINDELL, acted in violation of the Code and the Regulations in that Respondents:

(a) Failed to maintain a control record in the form of a columnar record in chronological order of all "Trust Funds Received, Not Placed Broker's Trust Account", in violation of Code Section 10145 and Regulation 2831.

(b) Failed to place trust funds, including credit report and appraisal fees, accepted on behalf of another into the hands of the owner of the funds, a neutral escrow depository or into a trust fund account in the name of the trustee at a bank or other financial institution not later than three business days following receipt of the funds by the broker or by the broker's salesperson, in violation of Code Section 10145 and Regulation 2832(d).

(c) Employed Michael Herrera, President/CEO of GSCGI and Pedro Vasquez, as agents who SINDELL knew or should have known were not licensed by the Department as real estate broker or as a real estate salesperson employed by a real estate broker,

1 for performing acts for which a real estate license is required,
2 including negotiating residential resales, in violation of Code
3 Section 10137, as set forth below:

4. SELLER	NEGOTIATING AGENT	DATE OF AGREEMENT
5 CORTEZ	VASQUEZ	July 16, 2008
6 GAETA	HERRERA (Vasquez' signature)	July 29, 2008
7 MORA	HERRERA Vasquez' signature)	May 13, 2008
8 VILLAREAL	HERRERA	May 1, 2008

15
16 (d) Used the fictitious names of "Golden State Capital
17 and Golden State Capital Group", to conduct licensed activities
18 including without holding licenses bearing said fictitious
19 business names, in violation of Code Section 10159.5 and
20 Regulation 2731.

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Disciplinary Statutes And Regulations

8.

The conduct of Respondents GSCGI and SINDELL described in Paragraph 7, above, violated the Code and the Regulations as set forth below:

PARAGRAPH	PROVISIONS VIOLATED
7(a)	Code Section 10145 and Regulation 2821
7(b)	Code Section 10145 and Regulation 2832(d)
7(c)	Code Section 10137
7(d)	Code Section 10159.5 and 2731

The foregoing violations constitute cause for discipline of the real estate license and license rights of GSCGI and SINDELL, under the provisions of Code Sections 10177(d) and/or 10177(g).

Negligence

9.

The overall conduct of Respondents GSCGI and SINDELL constitutes negligence or incompetence. This conduct and violation are cause for the suspension or revocation of the real estate license and license rights of Respondents GSCGI and SINDELL pursuant to Code Section 10177(g).

Broker Supervision

10.

The overall conduct of Respondent SINDELL constitutes a failure on Respondent's part, as officer designated by a corporate broker licensee, to exercise the reasonable supervision and control over the licensed activities of GSCGI as required by Code Sections 10159.2 and 10211, and to keep GSCGI in compliance with the Real Estate Law, and is cause for discipline of the real estate license and license rights of SINDELL pursuant to the provisions of Code Section 10177(d), 10177(h) and/or 10177(g).

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against the license and license rights of Respondents GOLDEN STATE CAPITAL GROUP INC. and RICHARD IRA SINDELL, under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Los Angeles, California

this 3 day of August 2009 
Deputy Real Estate Commissioner

cc: Golden State Capital Group Inc.
c/o Richard Ira Sindell D.O.
Robin Trujillo
Sacto
Audits - Manijeh Khazrai