

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

**FILED**

APR - 8 2010

DEPARTMENT OF REAL ESTATE  
BY: *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of	)	No. H-36250 LA
	)	L-2009100792
WEST COAST PROPERTY SPECIALISTS	)	
INC., doing business as	)	
Renttoday.us; and MIA SHELLEY MELLE,	)	<u>STIPULATION</u>
Individually and as designated	)	<u>AND</u>
officer of West Coast Property	)	<u>AGREEMENT</u>
Specialists Inc.,	)	
	)	
Respondents,	)	
	)	

18 It is hereby stipulated by and between Respondents  
19 WEST COAST PROPERTY SPECIALISTS INC. and MIA SHELLEY MELLE,  
20 individually and as designated officer of West Coast Property  
21 Specialists Inc., (sometimes collectively referred to as  
22 "Respondents"), and the Complainant, acting by and through  
23 Elliott Mac Lennan, Counsel for the Department of Real Estate, as  
24 follows for the purpose of settling and disposing of the  
25 Accusation ("Accusation") filed on September 22, 2009, in this  
26 matter:  
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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.  
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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.  
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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 original audit (LA 080165) is  
13 \$10,068.60.

14           9. Respondents have received, read, and understand the  
15 "Notice Concerning Costs of Subsequent Audit". Respondents  
16 further understand that by agreeing to this Stipulation, the  
17 findings set forth below in the Determination of Issues become  
18 final, and the Commissioner may charge Respondents for the cost  
19 of any subsequent audit conducted pursuant to Business and  
20 Professions Code Section 10148 to determine if the violations  
21 have been corrected. The maximum cost of the follow-up audit  
22 will not exceed \$10,068.60.

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DETERMINATION OF ISSUES

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

4                   The conduct, acts or omissions of WEST COAST PROPERTY  
5 SPECIALISTS INC. and MIA SHELLEY MELLE, as described in Paragraph  
6 4, above, are in violation of Section 10145 of the Business and  
7 Professions Code ("Code") and Sections 2832.1, 2831.2, 2832(a),  
8 and 2834 of Title 10, Chapter 6 of the California Code of  
9 Regulations ("Regulations") and is a basis for discipline of  
10 Respondents' license and license rights as violation of the Real  
11 Estate Law pursuant to Code Section 10177(d).  
12

II.

13                   The conduct, acts or omissions of MIA SHELLEY MELLE, as  
14 described in Paragraph 4, above, are in violation of Code Section  
15 10159.2 and is a basis for discipline of Respondent's license and  
16 license rights as violation of the Real Estate Law pursuant to  
17 Code Sections 10777(d), 10177(g) and 10177(h).  
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ORDER

1 WHEREFORE, THE FOLLOWING ORDER is hereby made:  
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3 I.

4 The license and licensing rights of Respondents WEST  
5 COAST PROPERTY SPECIALISTS INC. and MIA SHELLEY MELLE, under the  
6 Real Estate Law, are suspended for a period of sixty (60) days  
7 from the effective date of this Decision.

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

11 1. Each Respondent pays a monetary penalty pursuant to  
12 Section 10175.2 of the Business and Professions Code at the rate  
13 of \$66.66 per day for each day of the suspension for a monetary  
14 penalty of \$2,000, or \$4,000 total.

15 2. Said payment shall be in the form of a cashier's  
16 check or certified check made payable to the Recovery Account of  
17 the Real Estate Fund. Said check must be received by the  
18 Department prior to the effective date of the Decision in this  
19 matter.

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

23 4. If Respondents fail to pay the monetary penalty in  
24 accordance with the terms of the Decision, the Commissioner may,  
25 without a hearing, order the immediate execution of all or any  
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1 part of the stayed suspension, in which event the Respondent  
2 shall not be entitled to any repayment nor credit, prorated or  
3 otherwise, for money paid to the Department under the terms of  
4 this Decision.

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

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

13 1. Respondents shall obey all laws, rules and  
14 regulations governing the rights, duties and responsibilities of  
15 a real estate licensee in the State of California; and

16 2. That no final subsequent determination be made  
17 after hearing or upon stipulation, that cause for disciplinary  
18 action occurred within two (2) years from the effective date of  
19 this Decision. Should such a determination be made, the  
20 Commissioner may, in his discretion, vacate and set aside the  
21 stay order and reimpose all or a portion of the stayed  
22 suspension. Should no such determination be made, the stay  
23 imposed herein shall become permanent.  
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II.

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Pursuant to Section 10148 of the Business and Professions Code, Respondents WEST COAST PROPERTY SPECIALISTS INC. and MIA SHELLEY MELLE, shall pay the Commissioner's reasonable cost for (a) the audit which led to this disciplinary action (b) a subsequent audit to determine if Respondents are now in compliance with the Real Estate Law. The cost of the original and subsequent audits which led to this disciplinary action is \$10,068.60. In calculating the amount of the Commissioner's reasonable cost, the Commissioner may use the estimated average hourly salary for all persons performing audits of real estate brokers, and shall include an allocation for travel time to and from the auditor's place of work. Said amount for the prior and subsequent audits shall not exceed \$20,137.20.

Respondents shall pay such cost within 60 days of receiving an invoice from the Commissioner detailing the activities performed during the audit and the amount of time spent performing those activities.

The Commissioner may suspend the license of Respondents pending a hearing held in accordance with Section 11500, et seq., of the Government Code, if payment is not timely made as provided for herein, or as provided for in a subsequent agreement between the Respondent and the Commissioner. The suspension shall remain in effect until payment is made in full or until Respondents enter into an agreement satisfactory to the Commissioner to




1 provide for payment, or until a decision providing otherwise is  
2 adopted following a hearing held pursuant to this condition.

3 III.

4 All licenses and licensing rights of Respondent MIA  
5 SHELLEY MELLE, are indefinitely suspended unless or until  
6 Respondent provides proof satisfactory to the Commissioner, of  
7 having taken and successfully completed the continuing education  
8 course on trust fund accounting and handling specified in  
9 paragraph (3) of subdivision (a) of Section 10170.5 of the  
10 Business and Professions Code. Proof of satisfaction of this  
11 requirement includes evidence that Respondent has successfully  
12 completed the trust fund account and handling continuing  
13 education course within 120 days prior to the effective date of  
14 the Decision.

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17 DATED: 2-4-10

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18 ELLIOTT MAC LENNAN, Counsel for  
19 the Department of Real Estate

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EXECUTION OF THE STIPULATION

1  
2 We have read the Stipulation. Its terms are understood  
3 by us and are agreeable and acceptable to us. We understand that  
4 we are waiving rights given to us by the California  
5 Administrative Procedure Act (including but not limited to  
6 Sections 11506, 11508, 11509 and 11513 of the Government Code),  
7 and we willingly, intelligently and voluntarily waive those  
8 rights, including the right of requiring the Commissioner to  
9 prove the allegations in the Accusation at a hearing at which we  
10 would have the right to cross-examine witnesses against us and to  
11 present evidence in defense and mitigation of the charges.  
12

MAILING AND FACSIMILE

13  
14 Respondents (1) shall mail the original signed  
15 signature page of the stipulation herein to Elliott Mac Lennan:  
16 Attention: Legal Section, Department of Real Estate, 320 W.  
17 Fourth St., Suite 350, Los Angeles, California 90013-1105.  
18 Respondents shall also (2) facsimile a copy of signed signature  
19 page, to the Department at the following telephone/fax number:  
20 (213) 576-6917, Attention: Elliott Mac Lennan.  
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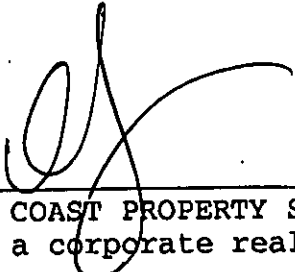
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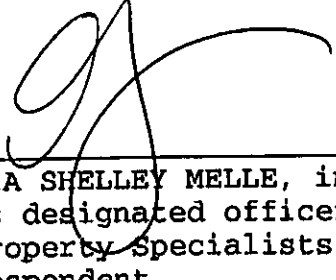
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1 A facsimile constitutes acceptance and approval of the  
2 terms and conditions of this stipulation. Respondents agree,  
3 acknowledge and understand that by electronically sending to the  
4 Department a facsimile copy of Respondents' actual signature as  
5 it appears on the stipulation that receipt of the facsimile copy  
6 by the Department shall be as binding on Respondents as if the  
7 Department had received the original signed stipulation.

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10  
11 DATED: 2.16.10

  
WEST COAST PROPERTY SPECIALISTS  
INC. a corporate real estate  
broker,  
Respondent  
By: MIA SHELLEY MELLE, designated  
officer of West Coast Property  
Specialists Inc.

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17 DATED: 2.16.10

  
MIA SHELLEY MELLE, individually and  
as designated officer of West Coast  
Property Specialists Inc.,  
Respondent

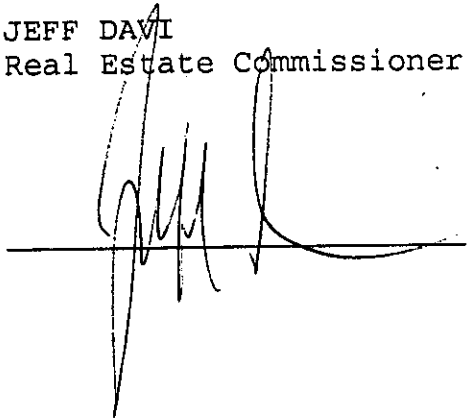
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The foregoing Stipulation and Agreement is hereby  
adopted as my Decision as to Respondents WEST COAST PROPERTY  
SPECIALISTS INC. and MIA SHELLEY MELLE individually and as  
designated officer of West Coast Property Specialists and shall  
become effective at 12 o'clock noon on May 7, 2010,  
2010.

IT IS SO ORDERED 3/29, 2010.

JEFF DAVI  
Real Estate Commissioner



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)

**FILED**

SEP 22 2009

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-36250 LA
12	WEST COAST PROPERTY SPECIALISTS	)	<u>A C C U S A T I O N</u>
13	INC., doing business as	)	
14	Renttoday.us; and MIA SHELLEY	)	
15	MELLE, individually and as	)	
16	designated officer of West Coast	)	
17	Property Specialists Inc.,	)	
	Respondents.	)	

18 The Complainant, Robin Trujillo, a Deputy Real Estate  
19 Commissioner of the State of California, acting in her official  
20 capacity, for cause of Accusation against WEST COAST PROPERTY  
21 SPECIALISTS INC. and MIA SHELLEY MELLE, individually and as West  
22 Coast Property Specialists Inc., is informed and alleges as  
23 follows:

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1.

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

2.

5 At all times mentioned, WEST COAST PROPERTY SPECIALISTS  
6 INC. ("WCPSI") and MIA SHELLEY MELLE ("MIA MELLE"), was licensed  
7 or had license rights issued by the Department of Real Estate  
8 ("Department") as real estate brokers. WCPSI was licensed by and  
9 through MIA MELLE.  
10

3.

11 At all times mentioned, in the City of Ontario, County  
12 of Los Angeles, WCPSI acted as a real estate broker and conducted  
13 licensed activities within the meaning of Code Section 10131(b).  
14 WCPSI and MIA MELLE dba Renttoday.us engaged in the business of,  
15 acted in the capacity of, advertised or assumed to act as real  
16 estate brokers, including the operation and conduct of a property  
17 management business with the public wherein, for or in  
18 expectation of compensation, for another or others. Respondents  
19 WCPSI and MIA MELLE leased or rented or offered to lease or rent,  
20 or placed for rent, or solicited listings of places for rent, or  
21 solicited for prospective tenants, or collected rents from real  
22 property, or improvements thereon.  
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2 On April 1, 2009, the Department completed an audit  
3 examination of the books and records of WCPSI pertaining to the  
4 property management activities described in Paragraph 3, that  
5 require a real estate license. The audit examination covered a  
6 period of time beginning on January 1, 2006 to December 31, 2008.  
7 The audit examination revealed violations of the Code and the  
8 Regulations as set forth below, and more fully discussed in Audit  
9 Report LA 080165 and the exhibits and work papers attached to  
10 said audit report.

11 5.

12 At all times mentioned, in connection with the activities  
13 described in Paragraph 4, above, WCPSI accepted or received funds  
14 including funds in trust (hereinafter "trust funds") from or on  
15 behalf of actual or prospective parties, including property  
16 owners and tenants, to real estate transactions handled by WCPSI  
17 and thereafter made deposits and or disbursements of such funds.  
18 From time to time herein mentioned during the audit period, said  
19 trust funds were deposited and/or maintained by WCPSI in the bank  
20 accounts as follows:  
21

22 "West Coast Property Services Inc. Trust Account  
23 Account No. 2-100683"  
24 Chino Commercial Bank (T/A #1)  
Ontario, California

25 "West Coast Property Services Inc.  
26 Account No. 283-2723064"  
27 Wells Fargo Bank (B/A #2)  
Brea, California

1 With respect to the licensed activities referred to in  
2 Paragraphs 3 and 5, and the audit examination including the  
3 exhibits and work papers referred to in Paragraph 4, it is  
4 alleged that WCPSI and MIA MELLE:

5 (a) (1) Permitted, allowed or caused the disbursement of  
6 trust funds from the escrow trust account where the disbursement  
7 of funds reduced the total of aggregate funds in T/A #1 account,  
8 used as a depository of security deposits and rents received from  
9 tenants, to an amount which, on December 31, 2008 was \$3,586.10,  
10 less than the existing aggregate trust fund liability of WCPSI to  
11 every principal who was an owner of said funds, without first  
12 obtaining the prior written consent of the owners of said funds,  
13 in violation of Code Section 10145 and Regulation 2832.1. The  
14 shortage was cured on March 24, 2009.

15 (a) (2) Permitted, allowed or caused the disbursement of  
16 trust funds from the escrow trust account where the disbursement  
17 of funds reduced the total of aggregate funds in B/A #2 used also  
18 as a depository of security deposits and rents received from  
19 tenants account, to an amount which, on December 31, 2008 was  
20 \$10,465.35, less than the existing aggregate trust fund liability  
21 of WCPSI to every principal who was an owner of said funds,  
22 without first obtaining the prior written consent of the owners  
23 of said funds, in violation of Code Section 10145 and Regulation  
24 2832.1. The shortage was also restored on March 24, 2009.

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1 (b) Failed to perform a monthly reconciliation of the  
2 balance of all separate beneficiary or transaction records  
3 maintained pursuant to Regulation 2831.1 with the record of all  
4 trust funds received and disbursed by the T/A #1 and B/A #2, in  
5 violation of Code Section 10145 and Regulation 2831.2.

6 (c) (1) B/A #2 was not designated as a trust account, in  
7 violation of Code Section 10145 of the Code and Regulation  
8 2832(a).

9 (c) (2) Failed to place trust funds, including deposits  
10 and rents, accepted on behalf of another into the hands of the  
11 owner of the funds, a neutral escrow depository or into a trust  
12 fund account in the name of the trustee at a bank or other  
13 financial institution not later than three business days  
14 following receipt of the funds by the broker or by the broker's  
15 salesperson, as required by Code Section 10145 and Regulation  
16 2832(d).

17 (d) Thomas Delong, former designated officer of WCPSI,  
18 was not a signatory on the trust account between January 1, 2006  
19 and July 5, 2006, in violation of Code Section 10145 and  
20 Regulation 2834.

21 (e) Used the fictitious names of "West Coast Property  
22 Specialists" to conduct licensed activities including property  
23 management without holding a license bearing said fictitious  
24 business name, in violation of Code Section 10159.5 and  
25 Regulation 2731; and

26 (f) Failed to disclose the true amount of the  
27 management fees including the renting/leasing fees (vacancy fees)

1 and further including sales incentives, as compared to the amount  
2 set forth in Property Management Agreements for 345 Adobe Lane,  
3 Pomona, California and N. Spuce, Glendora, California, in  
4 violation of Code Section 10176(g).

5 7.

6 The conduct of Respondents WCPSI and MIA MELLE  
7 described in Paragraph 6, above, violated the Code and the  
8 Regulations as set forth:

PARAGRAPH	PROVISIONS VIOLATED
7(a)	Code Section 10145 and Regulation 2832.1
7(b)	Code Section 10145 and Regulation 2831.2
7(c)	Code Section 10145 and Regulation 2832
7(d)	Code Section 10145 and Regulation 2834
7(e)	Code Section 10159.5 and Regulation 2731
7(f)	Code Section 10176(g)

23 Each of the foregoing violations constitute cause for the  
24 suspension or revocation of the real estate license and license  
25 rights of Respondents WCPSI and MIA MELLE under the provisions of  
26 Code Sections 10176(g), 10177(d) and/or 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 WEST  
5 COAST PROPERTY SPECIALISTS INC. and MIA SHELLEY MELLE, under the  
6 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 18 day of August 2009.  
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14 Deputy Real Estate Commissioner  
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24 cc: West Coast Property Specialists Inc.  
25 Mia Shelley Melle  
26 Robin Trujillo  
Sacto  
Audits - Chona Picayo  
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