

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

FILED

JAN 31 2011

DEPARTMENT OF REAL ESTATE
BY: 

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
ASSOCIATED PROPERTY MANAGEMENT INC.;) No. H-36304 LA
ELVIS OCC, individually and as) L-2010060144
designated officer of Associated)
Property Management Inc.; and)
ANTHONY W. VENTIMIGLIO, individually)
and as former designated officer of)
Associated Property Management Inc.,)
Respondents.)

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On October 15, 2009, an Accusation was filed in this matter against Respondent ANTHONY W. VENTIMIGLIO.

On December 15, 2010, Respondent petitioned the Commissioner to voluntarily surrender his real estate broker license pursuant to Section 10100.2 of the Business and Professions Code.

///

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

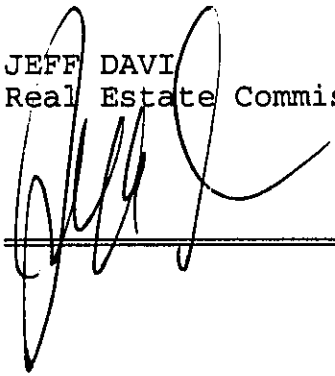
IT IS HEREBY ORDERED that Respondent ANTHONY W. VENTIMIGLIO's petition for voluntary surrender of his real estate broker license is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in Respondent's Declaration dated December 15, 2010 (attached as Exhibit "A" hereto). Respondent's license certificate and pocket card shall be sent to the below listed address so that they reach the Department on or before the effective date of this Order:

Department of Real Estate
Attn: Licensing Flag Section
P.O. Box 187000
Sacramento, CA 95818-7000

This Order shall become effective at 12 o'clock noon on
February 21, 2011.

DATED: 1-26, 2011

JEFF DAVIS
Real Estate Commissioner



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

EXHIBIT "A"

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
)	No. H-36304 LA
ASSOCIATED PROPERTY MANAGEMENT INC.;)	
ELVIS OCC, individually and as)	L-2010060144
designated officer of Associated)	
Property Management Inc.; and)	
<u>ANTHONY W. VENTIMIGLIO</u> , individually)	
and as former designated officer of)	
Associated Property Management Inc.)	
)	
Respondents.)	

DECLARATION

My name is ANTHONY W. VENTIMIGLIO and I am currently licensed as a real estate broker and/or have license rights with respect to said license. I am represented by Michael G. York, Esq., Attorney at Law.

In lieu of proceeding in this matter in accordance with the provisions of the Administrative Procedure Act (Sections 11400 et seq., of the Government Code), I wish to voluntarily surrender my real estate license(s) issued by the Department of

1 Real Estate ("Department"), pursuant to Business and Professions
2 Code Section 10100.2.

3 I understand that by so voluntarily surrendering my
4 license(s), I may be relicensed as a broker or as a salesperson
5 only by petitioning for reinstatement pursuant to Section 11522
6 of the Government Code. I also understand that by so voluntarily
7 surrendering my license(s), I agree to the following:

8 1. The filing of this Declaration shall be deemed as
9 my petition for voluntary surrender.

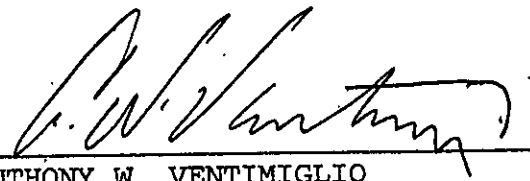
10 2. It shall also be deemed to be an understanding and
11 agreement by me that I waive all rights I have to require the
12 Commissioner to prove the allegations contained in the Accusation
13 filed in this matter at a hearing held in accordance with the
14 provisions of the Administrative Procedure Act (Government Code
15 Sections 11400 et seq.), and that I also waive other rights
16 afforded to me in connection with the hearing such as the right
17 to discovery, the right to present evidence in defense of the
18 allegations in the Accusation and the right to cross-examine
19 witnesses.

20 3. I further agree that upon acceptance by the
21 Commissioner, as evidenced by an appropriate order, all
22 affidavits and all relevant evidence obtained by the Department
23 in this matter prior to the Commissioner's acceptance, and all
24 allegations contained in the Accusation filed in the Department
25 Case No. H-36304 LA, may be considered by the Department to be
26 true and correct for the purpose of deciding whether to grant
27

1 relicensure or reinstatement pursuant to Government Code Section
2 11522.

3 4. I freely and voluntarily surrender all my licenses
4 and license rights under the Real Estate Law.

5 I declare under penalty of perjury under the laws of
6 the State of California that the above is true and correct and
7 that this declaration was executed on 15 DECEMBER,
8 2010, at MORRO BAY, California.

9
10
11 

12 ANTHONY W. VENTIMIGLIO
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

FILED

JAN 31 2011

DEPARTMENT OF REAL ESTATE

BY: 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-36304 LA
)	
<u>ASSOCIATED PROPERTY MANAGEMENT INC.;</u>)	
ELVIS OCC, individually and as)	
designated officer of Associated)	
Property Management Inc.; and)	
ANTHONY W. VENTIMIGLIO, individually)	
and as former designated officer of)	
Associated Property Management Inc.)	
)	
<u>Respondents.</u>)	

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 January 11, 2011, and the findings of fact set forth herein are based on one or more of the following: (1) Respondent ASSOCIATED PROPERTY MANAGEMENT INC. express admissions; (2) affidavits; (3) Department Audit Report LA 080020 dated July 3, 2009; and (4) other evidence.

FACTUAL FINDINGS

1.

On October 14, 2009, Maria Suarez made the Accusation in her official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed by regular mail on October 15, 2009

and November 9, 2009 to Respondents' last known mailing addresses on file with the Department.

2.

On January 11, 2011, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code Respondent's default was entered herein.

3.

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.

4.

At all times mentioned, ASSOCIATED PROPERTY MANAGEMENT INC. ("APMI"), ELVIS OCC ("OCC") and AWV, were licensed or had license rights issued by the Department of Real Estate ("Department") as real estate brokers. APMI was licensed by and through OCC and VENTIMIGLIO.

5.

At all times mentioned, in the City of Tustin, County of Orange, APMI acted as real estate broker and conducted licensed activities within the meaning of:

A. Code Section 10131(b). Respondents engaged in the business of, acted in the capacity of, APMI or assumed to act as a real estate broker, including the operation and conduct of a property management business with the public wherein, for or in expectation of compensation, for another or others. APMI leased or rented or offered to lease or rent, or placed for rent, or solicited listings of places for rent, or solicited for prospective tenants, or collected rents from real property, or improvements thereon.

6.

On July 3, 2009, the Department completed an audit examination of the books and records of APMI pertaining to the property management activities described in Paragraph 3, that require a real estate license. The audit examination covered a period of time beginning on June 6, 2008 to April 30, 2009. The audit examination revealed violations of the Code and the Regulations as set forth below, and more fully discussed in Audit Report LA 080280 and the exhibits and work papers attached

to said audit report.

7.

At all times mentioned, in connection with the activities described in Paragraph 4, above, APMI accepted or received funds including funds in trust (hereinafter "trust funds") from or on behalf of actual or prospective parties, including property owners and tenants, to real estate transactions handled by APMI 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 APMI into bank accounts.

VIOLATIONS OF THE REAL ESTATE LAW

8.

With respect to the licensed activities referred to in Findings 4 and 5, and the audit examination including the exhibits and work papers referred to in Paragraph 6, it is alleged that APMI:

(a) Permitted, allowed or caused the disbursement of trust funds from the trust fund wherein the disbursement of funds reduced the total of aggregate funds in B/A #1, as set forth below, to an amount which was less than the existing aggregate trust fund liability of APMI to every person who was an owner of said funds, without first obtaining the prior written consent of the persons who own said funds, in violation of Code Section 10145 and Regulation 2832.1.

- \$142,795.72 as of April 30, 2009 (OCC)
- \$ 52,089.10 as of December 31, 2008 (VENTIMIGLIO)

(b) Failed to maintain a control record in the form of a columnar record in chronological order of all trust funds received, deposited and disbursed, in violation of Code Section 10145 and Regulation 2831.

(c) Failed to maintain an accurate and complete separate record for each beneficiary or transaction, thereby failing to account for all trust funds in the form of advance fees received, deposited and disbursed, in violation of Code Section 10145 and Regulation 2831.1.

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

(e) B/A #1 and B/#2, used for the receipt, deposit and disbursement of trust funds in the form of security deposits and tenant rents, were not in the name of the broker as trustee at a bank or other financial institution, nor designated as trust accounts, in violation of Code Section 10145 of the Code and Regulations 2832(a).

(f) Permitted Thomas Windham, an unlicensed and unbonded person and majority shareholder of APMI, to be the sole authorized signatory on the trust accounts, in violation of Code Section 10145 and Regulation 2834(a). Neither OCC nor VENTIMIGLIO was a signatory on the trust accounts, in violation of Code Section 10145 and Regulation 2834(b).

(g) Commingled and converted trust funds. Security deposits and rents received from tenants were deposited into B/A #1, re-transferred into B/A #2, and ultimately directly deposited into Thomas Windham's personal bank account and thereafter used to pay his personal expenses, instead of depositing said trust funds into a trust account for the benefit of the tenant owners of said funds, in violation of Code Sections 10145, 10176(e) and 10176(i) and Regulation 2835.

(h) Performed acts for which a real estate license is required, including soliciting for prospective tenants and negotiating leases on real property and executing property management agreements with property owners for managing their real properties before APMI's broker license had issued, in violation of Code Section 10130. APMI conducted licensed activities from June 6, 2008 until its date of licensure on August 28, 2008, by and through unlicensed persons Thomas Windham and Zsaquiana Gonzalez.

(i) Employed or compensated Thomas Windham and Zsaquiana Gonzalez, who were not licensed by the Department as real estate brokers or as a real estate salespersons employed by a real estate broker, for performing acts for which a real estate license is required, including executing Property Management Agreements, in violation of Code Section 10137.

(j) Engaged in the business of a real estate broker by managing properties of others, received and disbursed trust funds during the period from February 3, 2009 to April 7, 2009, without a designated officer for APMI, in violation of Regulation 2740.

(k) Changed the address of APMI's principal place of business to 17542 Irvine Blvd., Site, Tustin, in December 2008, without notification to the Department, in violation of Code Section 10162 and Regulation 2715. The correct address of the principal place of business was posted on April 29, 2009.

(l) After notice and subpoena on April 3, 2009, failed to retain all records of LPCI's activity during the audit period

requiring a real estate broker license, in violation of Code Section 10148.

DETERMINATION OF ISSUES

1.

The conduct of Respondent ASSOCIATED PROPERTY MANAGEMENT INC., based upon the audit violations as described in Findings 8, herein above, is in violation of Code Sections 10137, 10145, 10148 and 10162, and Regulations 2715, 2740, 2742(c), 2831, 2831.1, 2831.2, 2832, 2834, 2832.1 and 2835. Cause for disciplinary action exists pursuant to Code Sections 10176(e), 10176(i) 10177(d) and 10177(q).

2.

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

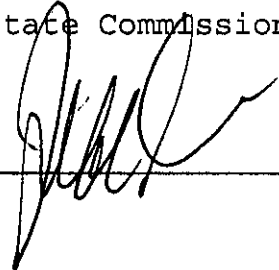
ORDER

The real estate broker license and license rights of Respondent ASSOCIATED PROPERTY MANAGEMENT INC., 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 on _____ February 21 _____, 2011

DATED: 1.25. _____, 2011

JEFF DAVI
Real Estate Commissioner



FILED

JAN 11 2011

DEPARTMENT OF REAL ESTATE
BY: [Signature]

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

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

No. H-36304 LA

ASSOCIATED PROPERTY MANAGEMENT INC.;
ELVIS OCC, individually and as
designated officer of Associated
Property Management Inc.; and
ANTHONY W. VENTIMIGLIO, individually
and as former designated officer of
Associated Property Management Inc.

Respondents.

DEFAULT ORDER

Respondent ASSOCIATED PROPERTY MANAGEMENT INC. having
failed to file a Notice of Defense within the time required by
Section 11506 of the Government Code, is now in default. It is,
therefore, ordered that a default be entered on the record in
this matter.

///

///

///

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

IT IS SO ORDERED

January 10, 2011
JEFF DAVIS
Real Estate Commissioner

Dolores Weeks

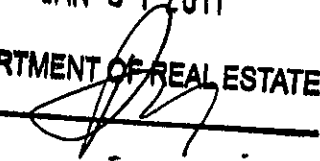
By: DOLORES WEEKS
Regional Manager

Lattd

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

FILED

JAN 31 2011

DEPARTMENT OF REAL ESTATE
BY: 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)

No. H-36304 LA
L-2010060144

ASSOCIATED PROPERTY MANAGEMENT INC.;)
ELVIS OCC, individually and as)
designated officer of Associated)
Property Management Inc.; and)
ANTHONY W. VENTIMIGLIO, individually)
and as former designated officer of)
Associated Property Management Inc.)

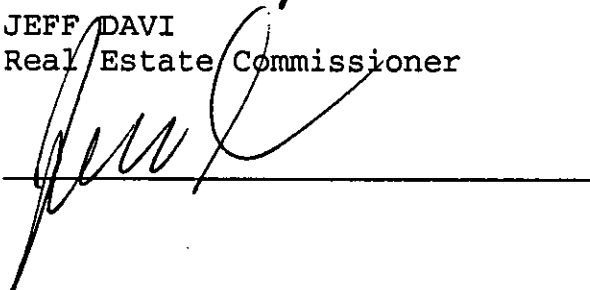
Respondents.)

DISMISSAL

The Accusation filed against ELVIS OCC on October 15, 2009, is dismissed.

IT IS SO ORDERED this 26 day of January, 2011.

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

OCT 15 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-36304 LA

12 ASSOCIATED PROPERTY MANAGEMENT INC.;)
13 ELVIS OCC, individually and as)
14 designated officer of Associated)
15 Property Management Inc.; and)
16 ANTHONY W. VENTIMIGLIO, individually)
17 and as former designated officer of)
Associated Property Management Inc.)

A C C U S A T I O N

Respondents.)

18 The Complainant, Maria Suarez, a Deputy Real Estate
19 Commissioner of the State of California, acting in her official
20 capacity, for cause of Accusation against ASSOCIATED PROPERTY
21 MANAGEMENT INC., ELVIS OCC, individually and as designated
22 officer of Associated Property Management Inc., and ANTHONY W.
23 VENTIMIGLIO, individually and as former designated officer of
24 Associated Property Management Inc., is informed and alleges as
25 follows:
26

27 ///

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

5 LICENSE HISTORY

6 2.

7 At all times mentioned, ASSOCIATED PROPERTY MANAGEMENT
8 INC. ("APMI"), ELVIS OCC ("OCC") and AWV, were licensed or had
9 license rights issued by the Department of Real Estate
10 ("Department") as real estate brokers. APMI was licensed by and
11 through OCC and VENTIMIGLIO.

12 BROKERAGE

13 3.

14 At all times mentioned, in the City of Tustin, County
15 of Orange, APMI acted as real estate broker and conducted
16 licensed activities within the meaning of:

17 A. Code Section 10131(b). Respondents engaged in the
18 business of, acted in the capacity of, APMI or assumed to act as
19 a real estate broker, including the operation and conduct of a
20 property management business with the public wherein, for or in
21 expectation of compensation, for another or others. APMI leased
22 or rented or offered to lease or rent, or placed for rent, or
23 solicited listings of places for rent, or solicited for
24 prospective tenants, or collected rents from real property, or
25 improvements thereon.

26 ///

4.

1
2 On July 3, 2009, the Department completed an audit
3 examination of the books and records of APMI 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 June 6, 2008 to April 30, 2009. The
7 audit examination revealed violations of the Code and the
8 Regulations as set forth below, and more fully discussed in Audit
9 Report LA 080280 and the exhibits and work papers attached to
10 said audit report.

11 TRUST ACCOUNTS

12 5.

13 At all times mentioned, in connection with the activities
14 described in Paragraph 4, above, APMI accepted or received funds
15 including funds in trust (hereinafter "trust funds") from or on
16 behalf of actual or prospective parties, including property
17 owners and tenants, to real estate transactions handled by APMI
18 and thereafter made deposits and or disbursements of such funds.
19 From time to time herein mentioned during the audit period, said
20 trust funds were deposited and/or maintained by APMI in the bank
21 accounts as follows:
22

23 B/A 1

24
25 Account Name: Associated Property Management Inc
26 Account No.: 06254-66809
27 Bank: Bank of America

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

Bank Address: 17th-Tustin Branch
P.O. Box 37176
San Francisco, CA 94137-0176

Signatories: Thomas Windham (Unlicensed)

Signatures required: One (1)

Purpose: The bank account was maintained for the receipts and disbursements of rents received in connection with APMI's property management activity.

B/A 2

Account Name: Associated Property Management Inc

Account No.: 02071-68973

Bank: Bank of America

Bank Address: 17th-Tustin Branch
P.O. Box 37176
San Francisco, CA 94137-0176

Signatories: Thomas Windham (Unlicensed)

Signatures required: One (1)

Purpose: The bank account was maintained for the disbursements of trust funds in connection with APMI's property management activity and for APMI's general business activities.

B/A 3

Account Name: Associated Property Management Inc

Account No.: 06251-72235

Bank: Bank of America

Bank Address: 17th-Tustin Branch
P.O. Box 37176
San Francisco, CA 94137-0176

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

Signatories: Thomas Windham (Unlicensed)
(According to Windham, no signature card provided)

Signatures required: One (1)

Purpose: The bank account was maintained for the receipts and disbursements of security deposits received in connection with APMI's property management activity.

B/A 4

Account Name: Associated Property Management Inc Trust Account

Account No.: 6000003167

Bank: First Foundation Bank

Bank Address: 18101 Von Karman, Suite 750
Irvine, CA 92612

Signatories: Thomas Windham (Unlicensed)

Signatures required: One (1)

Purpose: The bank account was maintained for the receipts and disbursements of rents received in connection with Vista Del Sol property. The account was opened in August 2008 and it was closed in November 2008.

B/A 5

Bank: Bank of America

Bank Address: 17th-Tustin Branch
P.O. Box 37176
San Francisco, CA 94137-0176

Account Name: Associated Property Management Inc

Account No.: 08401-69481

1 Signatories: Thomas Windham (Unlicensed)

2 Signatures required: One (1)

3 Purpose: The bank account was maintained for APMI's
4 payroll

5
6 VIOLATIONS OF THE REAL ESTATE LAW

7 6.

8 With respect to the licensed activities referred to in
9 Paragraphs 3 and 5, and the audit examination including the
10 exhibits and work papers referred to in Paragraph 4, it is
11 alleged that APMI:

12 (a) Permitted, allowed or caused the disbursement of
13 trust funds from the trust fund wherein the disbursement of funds
14 reduced the total of aggregate funds in B/A #1, as set forth
15 below, to an amount which was less than the existing aggregate
16 trust fund liability of APMI to every person who was an owner of
17 said funds, without first obtaining the prior written consent of
18 the persons who own said funds, in violation of Code Section
19 10145 and Regulation 2832.1.

20 • \$2142,795.72 as of April 30, 2009 (OCC)

21 • \$52,089.10 as of December 31, 2008 (VENTIMIGLIO)

22
23 (b) Failed to maintain a control record in the form of
24 a columnar record in chronological order of all trust funds
25 received, deposited and disbursed, in violation of Code Section
26 10145 and Regulation 2831.

27

1 (c) Failed to maintain an accurate and complete
2 separate record for each beneficiary or transaction, thereby
3 failing to account for all trust funds in the form of advance
4 fees received, deposited and disbursed, in violation of Code
5 Section 10145 and Regulation 2831.1.

6 (d) Failed to perform a monthly reconciliation of the
7 balance of all separate beneficiary or transaction records
8 maintained pursuant to Regulation 2831.1 with the record of all
9 trust funds received and disbursed by B/A #1 and B/#2, in
10 violation of Code Section 10145 and Regulation 2831.2.

11 (e) B/A #1 and B/#2, used for the receipt, deposit and
12 disbursement of trust funds in the form of security deposits and
13 tenant rents, were not in the name of the broker as trustee at a
14 bank or other financial institution, nor designated as trust
15 accounts, in violation of Code Section 10145 of the Code and
16 Regulations 2832(a).

17 (f) Permitted Thomas Windham, an unlicensed and
18 unbonded person and majority shareholder of APMI, to be the sole
19 authorized signatory on the trust accounts, in violation of Code
20 Section 10145 and Regulation 2834(a). Neither OCC nor
21 VENTIMIGLIO was a signatory on the trust accounts, in violation
22 of Code Section 10145 and Regulation 2834(b).

23 (g) Commingled and converted trust funds. Security
24 deposits and rents received from tenants were deposited into B/A
25 #1, re-transferred into B/A #2, and ultimately directly deposited
26
27

1 into Thomas Windham's personal bank account and thereafter used
2 to pay his personal expenses, instead of depositing said trust
3 funds into a trust account for the benefit of the tenant owners
4 of said funds, in violation of Code Sections 10145, 10176(e) and
5 10176(i) and Regulation 2835.

6 (h) Performed acts for which a real estate license is
7 required, including soliciting for prospective tenants and
8 negotiating leases on real property and executing property
9 management agreements with property owners for managing their
10 real properties before APMI's broker license had issued, in
11 violation of Code Section 10130. APMI conducted licensed
12 activities from June 6, 2008 until its date of licensure on
13 August 28, 2008, by and through unlicensed persons Thomas Windham
14 and Zsaquiana Gonzalez.

15 (i) Employed or compensated Thomas Windham and
16 Zsaquiana Gonzalez, who were not licensed by the Department as
17 real estate brokers or as a real estate salespersons employed by
18 a real estate broker, for performing acts for which a real estate
19 license is required, including executing Property Management
20 Agreements, in violation of Code Section 10137.

21 (j) Engaged in the business of a real estate broker by
22 managing properties of others, received and disbursed trust funds
23 during the period from February 3, 2009 to April 7, 2009, without
24 a designated officer for APMI, in violation of Regulation 2740.

25
26 ///
27

1 (k) Changed the address of APMI's principal place of
2 business to 17542 Irvine Blvd., Site, Tustin, in December 2008,
3 without notification to the Department, in violation of Code
4 Section 10162 and Regulation 2715. The correct address of the
5 principal place of business was posted on April 29, 2009.

6 (l) After notice and subpoena on April 3, 2009, failed
7 to produce or retain all records of LPCI's activity during the
8 audit period requiring a real estate broker license, in violation
9 of Code Section 10148; and

10 (m) OCC and VENTIMIGLIO former designated officers of
11 APMI failed to exercise adequate supervision over APMI's
12 activities requiring a real estate license to ensure APMI's
13 compliance the Real Estate Laws and Regulations and had no system
14 in place for regularly monitoring LPCI's compliance with the Real
15 Estate Law, in violation of Code Sections 10159.2, 10177(h) and
16 Regulation 2725.

17
18 DISCIPLINARY STATUTES AND REGULATIONS

19 7.

20 The conduct of Respondents APMI, OCC and VENTIMIGLIO
21 described in Paragraph 6, above, violated the Code and the
22 Regulations as set forth:

23 PARAGRAPH

PROVISIONS VIOLATED

24 6(a)

25 Code Section 10145 and Regulation
26 2832.1

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

6(b) Code Section 10145 and Regulation
2831

6(c) Code Section 10145 and Regulation
2832.1

6(d) Code Section 10145 and Regulation
2832(a)

6(e) Code Sections 10145, 10176(e) and
10176(i) and Regulation 2835

6(f) Regulation 2742(c)

Each of the foregoing violations constitute cause for discipline of the real estate license and license rights of Respondents APMI, OCC and VENTIMIGLIO under the provisions of Code Sections 10145, 10176(e), 10176(i), 10177(d) and/or 10177(g).

8.

The overall conduct of Respondents APMI, OCC and VENTIMIGLIO constitutes negligence. This conduct and violation are cause for the suspension or revocation of the real estate license and license rights of said Respondents pursuant to Code Section 10177(g).

///
///

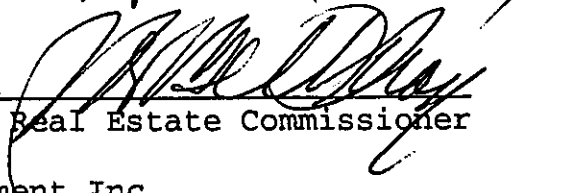
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

The overall conduct of Respondents OCC and VENTIMIGLIO constitutes a failure on Respondents' part, as officers designated by a corporate broker licensee, to exercise the reasonable supervision and control over the licensed activities of APMI as required by Code Section 10159.2, and to keep APMI in compliance with the Real Estate Law, and is cause for discipline of the real estate license and license rights of OCC and VENTIMIGLIO pursuant to the provisions of Code Section 10177(h).

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 ASSOCIATED PROPERTY MANAGEMENT INC., ELVIS OCC and ANTHONY W. VENTIMIGLIO, 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 *14th day of October 2009.*


Deputy Real Estate Commissioner

cc: Associated Property Management Inc.
Elvis Occ
Anthony W. Ventimiglio
Maria Suarez
Sacto
Audits - Zaky Wanis