

By C.✓

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of	)	
	)	No. H-36650 LA
PACIFIC GROUP SERVICES INC.,	)	
a corporate real estate broker, and	)	
ROBERT ANTHONY GELT, individually	)	
and as former designated broker officer of	)	
Pacific Group Services, Inc.,	)	
	)	
Respondents.	)	
_____	)	

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 September 1, 2010, and the findings of fact set forth herein are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and (3) other evidence.

FINDINGS OF FACT

1.

On or about May 11, 2010, Robin Trujillo made the Accusation in her official capacity as a Deputy Real Estate Commissioner of the State of California. On May 28, 2010, the Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, return receipt requested, to Respondent PACIFIC GROUP SERVICES INC. at its last known mailing address on file with the Department at 239 E. Rowland St., Covina, CA 91723. This mailing was returned by the Post Office marked "Attempted Not known." No Notice of Defense has been received from Respondent PACIFIC GROUP SERVICES INC.

On May 28, 2010, the Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, return receipt requested, to Respondent ROBERT ANTHONY GELT at his last known mailing address on file with the Department. This mailing was signed for on or about June 1, 2010. No Notice of Defense has been received from ROBERT ANTHONY GELT.

On September 1, 2010, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondent PACIFIC GROUP SERVICES INC. and Respondent ROBERT ANTHONY GELT's defaults were entered herein.

2.

Respondent PACIFIC GROUP SERVICES INC., dba Colonial Mortgage, dba Las Americas Escrow, and dba Las Americas Realtors (hereinafter "PACIFIC GROUP") was licensed and/or had license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code (hereinafter "Code"), as a corporate real estate broker.

Respondent PACIFIC GROUP has been licensed by the Department of Real Estate of the State of California (hereinafter "Department") as a corporate real estate broker since on or about July 28, 2006. Its license expired on July 27, 2010. PACIFIC GROUP retains renewal rights pursuant to Code Section 10201, and the Department retains jurisdiction pursuant to Code Section 10103.

At all times material herein, Respondent PACIFIC GROUP was authorized to act by and through Respondent ROBERT ANTHONY GELT as the designated officer and broker responsible, pursuant to the provisions of Code Section 10159.2, for the supervision and control of the activities conducted on behalf of PACIFIC GROUP by PACIFIC GROUP's officers and employees. Respondent GELT resigned as designated broker-officer of PACIFIC GROUP on or about April 24, 2009, and Respondent PACIFIC GROUP has not been affiliated with a broker since that time.

3.

Respondent ROBERT ANTHONY GELT, dba GMI-Mortgage and Financial Services, and dba Picasso Properties (hereinafter "GELT"), is presently licensed, and/or has license rights under the Code, as a real estate broker. Respondent GELT has been licensed by the Department as a real estate broker since on or about April 24, 2002.

4.

At all times herein mentioned, Respondent PACIFIC GROUP is and was a California corporation. According to Secretary of State corporate status documents, Edgar Emilio Morales is the Chief Executive Officer of the corporation.

Suspension of Corporate Powers

5.

On or about August 1, 2007, pursuant to the provisions of Section 23302 of the California Revenue and Taxation Code, the corporate rights and privileges of Respondent PACIFIC GROUP were suspended by the California Secretary of State. The corporate rights and privileges of Respondent PACIFIC GROUP have remained suspended since that time.

Office Abandonment (PACIFIC GROUP)

6.

At all times relevant herein, the main office address maintained by Respondent PACIFIC GROUP with the Department was and is 239 E. Rowland St., Covina, CA 91723.

7.

Between December 30, 2008 and September 30, 2009, representatives of the Department attempted to contact Respondent PACIFIC GROUP and its designated broker-officer, Respondent GELT, at the main office address maintained by PACIFIC GROUP at 239 E. Rowland St., Covina, CA 91723. Specifically, on or about January 12, 2009, a representative of the Department mailed a letter to Respondents at PACIFIC GROUP's main office address on Rowland St. in Covina, CA. This letter was returned by the post office marked undeliverable. On September 24, 2009, a representative of the Department visited PACIFIC GROUP's main office address on Rowland St. in Covina, CA. At that time, the representative observed two vacant offices with signs for Respondent's licensed "dbas," "Las Americas Realtors" and "Colonial Bankers." There was also an eviction notice dated August 22, 2007, taped to one of the doors.

8.

Beginning on or before August 22, 2007, and continuing to the present time, Respondent PACIFIC GROUP failed to maintain on file with the Department an address for an office constituting its principal place of business, in California.

Office Abandonment (GELT)

9.

At all times relevant herein, Respondent GELT's main office address on record with the Department was and is 24307 Magic Mountain Parkway, Suite 506, Valencia, CA 91355.

10.

On or before May 24, 2008, a representative of the Department determined that 24307 Magic Mountain Parkway, Suite 506, Valencia, CA 91355 California is an address for a mail stop, not an office. On September 28, 2009, a representative of the Department confirmed that 24307 Magic Mountain Parkway, Suite 506, Valencia, CA was not an office, but rather a mail stop at a UPS store. No further address for the location of Respondent's physical office within the State of California was provided, even upon request.

11.

Beginning on or before May 24, 2008, and continuing through on or after September 28, 2009, Respondent GELT failed to maintain on file with the Department an address for an office constituting his principal place of business, in California.

DETERMINATION OF ISSUES

1.

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

PACIFIC GROUP

2.

The suspension of the corporate powers of Respondent PACIFIC GROUP by the California Secretary of State for failure to pay taxes, as set forth above in Finding of Fact 5, constitutes grounds to suspend or revoke PACIFIC GROUP's corporate real estate broker license and license rights pursuant to Code Sections 10177(d), 10177(f), and 10177(g) in conjunction with Regulation 2742.

3.

The conduct, acts and/or omissions of Respondent PACIFIC GROUP, in abandoning its office and failing to notify the Department of a new address, as described above in Findings of Fact 6, 7 and 8, was in violation of Regulation 2715 and Code Section 10162, and constitutes cause for the suspension or revocation PACIFIC GROUP's real estate license and license rights pursuant to Code Sections 10165, 10177(d) and 10177(g).

ROBERT ANTHONY GELT

4.

The conduct, acts and/or omissions of Respondent GELT, in failing to supervise the activities of Respondent PACIFIC GROUP to ensure compliance with the Real Estate Law, in violation of Code Section 10159.2, constitutes grounds for the suspension or revocation of Respondent GELT's real estate license pursuant to Code Section 10177(h).

5.

The conduct, acts and/or omissions of Respondent GELT, in failing to maintain on file with the Department an address for an office constituting his principal place of business in California, as described above, was in violation of Regulation 2715 and Code Section 10162, and constitutes cause for the suspension or revocation of Respondent GELT's license and license rights under the provisions of Code Sections 10165, 10177(d) and 10176(i).

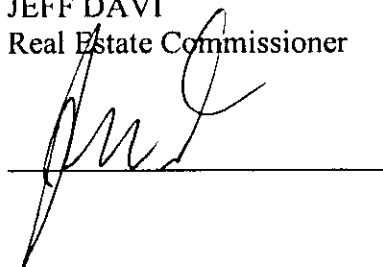
ORDER

All licenses and license rights of Respondents PACIFIC GROUP SERVICES INC. and ROBERT ANTHONY GELT 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 Oct. 18, 2010.

DATED: 9-15, 2010.

JEFF DAVI
Real Estate Commissioner



1 Department of Real Estate
2 320 West Fourth Street, Suite 350
3 Los Angeles, California 90013-1105

FILED
SEP - 1 2010
DEPARTMENT OF REAL ESTATE

4 By C. [Signature]

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6
7
8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * * *

11 In the Matter of the Accusation of)
12) NO. H-36650 LA
13 PACIFIC GROUP SERVICES INC.,)
14 a corporate real estate broker, and) DEFAULT ORDER
15 ROBERT ANTHONY GELT, individually)
16 and as former designated broker officer of)
Pacific Group Services Inc.,)
Respondents.)

17
18 Respondents, PACIFIC GROUP SERVICES INC., a corporate real estate broker,
19 and ROBERT ANTHONY GELT, individually and as former designated broker officer of Pacific
20 Group Services Inc., having failed to file a Notice of Defense within the time required by Section
21 11506 of the Government Code, is now in default. It is, therefore, ordered that a default be
22 entered on the record in this matter.

23 IT IS SO ORDERED

September 1, 2010

24 JEFF DAVI
Real Estate Commissioner

25
26 Dolores Weeks
27 By: DOLORES WEEKS
Regional Manager

5AC
1 MARTHA J. ROSETT, Counsel (SBN 142072)
2 Department of Real Estate
3 320 West Fourth Street, Ste. 350
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6982
6 Direct: (213) 620-6430 (Direct)
7

FILED
MAY 28 2010
DEPARTMENT OF REAL ESTATE

By

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H-36650 LA
12)
13 PACIFIC GROUP SERVICES INC.,) A C C U S A T I O N
14 a corporate real estate broker,)
15 and ROBERT ANTHONY GELT,)
16 individually and as former)
17 designated broker officer of)
18 Pacific Group Services Inc.,)
19 Respondents.)
20)

21 The Complainant, Robin Trujillo, a Deputy Real Estate
22 Commissioner of the State of California, for cause of Accusation
23 against Respondents PACIFIC GROUP SERVICES INC., a corporate
24 real estate broker, and ROBERT ANTHONY GELT, individually and as
25 former designated broker-officer of PACIFIC GROUP SERVICES INC.,
26 is informed and alleges as follows:
27

1.

The Complainant, Robin Trujillo brings this Accusation

1 in her official capacity.

2 2.

3 Respondent PACIFIC GROUP SERVICES INC., dba Colonial
4 Mortgage, dba Las Americas Escrow, and dba Las Americas Realtors
5 (hereinafter referred to as "PACIFIC GROUP") at all times
6 relevant herein was licensed and/or had license rights under the
7 Real Estate Law, Part 1 of Division 4 of the California Business
8 and Professions Code (hereinafter "Code") as a corporate real
9 estate broker. At all times relevant herein, Respondent PACIFIC
10 GROUP was authorized to act by and through Respondent ROBERT
11 ANTHONY GELT as the designated officer and broker responsible,
12 pursuant to the provisions of Code Section 10159.2 for the
13 supervision and control of the activities conducted on behalf of
14 PACIFIC GROUP by PACIFIC GROUP's officers and employees.
15 Respondent GELT resigned as designated broker-officer of PACIFIC
16 GROUP on or about April 24, 2009, and Respondent PACIFIC GROUP
17 has not been affiliated with a broker since that time.

20 3.

21 Respondent ROBERT ANTHONY GELT, dba GMI-Mortgage and
22 Financial Services, and dba Picasso Properties (hereinafter
23 "GELT"), is presently licensed, and/or has license rights under
24 the Code, as a real estate broker. Respondent GELT has been
25 licensed by the Department as a real estate broker since on or
26 about April 24, 2002.

4.

At all times herein mentioned, Respondent PACIFIC GROUP is and was a California corporation. According to Secretary of State corporate status documents, Edgar Emilio Morales is the Chief Executive Officer of the corporation. As set forth more fully below, the corporate status of PACIFIC GROUP was suspended, effective on or about August 1, 2007.

FIRST CAUSE OF ACCUSATION: SUSPENSION OF CORPORATE POWERS

5.

On or about August 1, 2007, pursuant to the provisions of Section 23302 of the California Revenue and Taxation Code, the corporate rights and privileges of Respondent PACIFIC GROUP were suspended by the California Secretary of State. The corporate rights and privileges of Respondent PACIFIC GROUP have remained suspended since that time.

6.

The suspension of the corporate powers of Respondent PACIFIC GROUP, as set forth in paragraph 5 above, constitutes grounds to suspend or revoke Respondent PACIFIC GROUP's corporate real estate broker license pursuant to Code Sections 10177(d), 10177(f), and/or 10177(g) in conjunction with Regulation 2742.

7.

The suspension of Respondent PACIFIC GROUP by the

1 California Secretary of State for failure to pay taxes is
2 grounds to suspend or revoke the license and/or license rights
3 of Respondent GELT for failure to supervise the activities of
4 the corporation, in violation of Code Sections 10159.2,
5 10177(h), 10177(d) and/or 10177(g).

6 SECOND CAUSE OF ACCUSATION: OFFICE ABANDONMENT (PACIFIC GROUP)

7 8.

8
9 At all times relevant herein, the main office address
10 maintained by Respondent PACIFIC GROUP with the Department was
11 and is 239 E. Rowland St., Covina, CA 91723.

12 9.

13 Between December 30, 2008 and September 30, 2009,
14 representatives of the Department attempted to contact
15 Respondent PACIFIC GROUP and its designated broker-officer,
16 Respondent GELT, at the main office address maintained by
17 PACIFIC GROUP at 239 E. Rowland St., Covina, CA 91723.
18 Specifically, on or about January 12, 2009, a representative of
19 the Department mailed a letter to Respondents at PACIFIC GROUP's
20 main office address on Rowland St. in Covina, CA. This letter
21 was returned by the post office marked undeliverable. On
22 September 24, 2009, a representative of the Department visited
23 PACIFIC GROUP's main office address on Rowland St. in Covina,
24 CA. At that time, the representative observed two vacant
25 offices with signs for Respondent's licensed "dbas,": "Las
26
27

1 Americas Realtors" and "Colonial Bankers." There was also an
2 eviction notice dated August 22, 2007 taped to one of the doors.

3 10.

4 Beginning on or before August 22, 2007, and continuing
5 to the present time, Respondent PACIFIC GROUP failed to maintain
6 on file with the Department an address for an office
7 constituting its principal place of business, in California.

8 11.

9 The conduct, acts and/or omissions of Respondent
10 PACIFIC GROUP, in failing to maintain on file with the
11 Department an address for an office constituting his principal
12 place of business in California, as described above, was in
13 violation of Regulation 2715 and Code Section 10162, and
14 constitutes cause for the suspension or revocation of Respondent
15 PACIFIC GROUP's license and license rights under the provisions
16 of Code Sections 10165 and 10177(d).

17 12.

18 The conduct, acts and/or omissions of Respondent GELT,
19 in failing to supervise the activities of Respondent PACIFIC
20 GROUP to ensure compliance with the Real Estate law, in
21 violation of Code Section 10159.2, constitutes grounds for the
22 suspension or revocation of Respondent GELT's real estate
23 license pursuant to Code Section 10177(h).

24 ///

THIRD CAUSE OF ACCUSATION: OFFICE ABANDONMENT (GELT)

13.

At all times relevant herein, Respondent GELT's main office address on record with the Department was and is 24307 Magic Mountain Parkway, Suite 506, Valencia, CA 91355.

14.

On or before May 24, 2008, a representative of the Department determined that 24307 Magic Mountain Parkway, Suite 506, Valencia, CA 91355 California is an address for a mail stop, not an office. On September 28, 2009, a representative of the Department confirmed that 24307 Magic Mountain Parkway, Suite 506, Valencia, CA was not an office, but rather a mail stop at a UPS store. No further address for the location of Respondent's physical office within the State of California was provided, even upon request.

15.

Beginning on or before May 24, 2008, and continuing to the present time, Respondent GELT failed to maintain on file with the Department an address for an office constituting his principal place of business, in California.

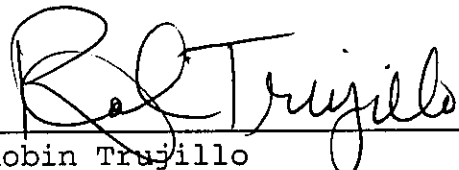
16.

The conduct, acts and/or omissions of Respondent GELT, in failing to maintain on file with the Department an address for an office constituting his principal place of business in

1 California, as described above, was in violation of Regulation
2 2715 and Code Section 10162, and constitutes cause for the
3 suspension or revocation of Respondent GELT's license and
4 license rights under the provisions of Code Sections 10165,
5 10177(d), 10176(i) and/or 10177(g).

6 WHEREFORE, Complainant prays that a hearing be
7 conducted on the allegations of this Accusation and that upon
8 proof thereof, a decision be rendered imposing disciplinary
9 action against all licenses and/or license rights of Respondent
10 PACIFIC GROUP SERVICES INC. and Respondent ROBERT ANTHONY GELT,
11 and for such other and further relief as may be proper under
12 other applicable provisions of law.

13 Dated at Los Angeles, California,
14 this 11 day of May, 2010
15
16

17 
18 _____
19 Robin Trujillo
20 Deputy Real Estate Commissioner
21
22
23
24

25 cc: Pacific Group Services Inc.
26 Robert Anthony Gelt
27 Robin Trujillo
Sacto.