

Snatcho Files

FILED

MAR 05 2012

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-36741 LA
)	
)	
KONSTANTINOS C. KOUKLADAS,)	
)	
)	
)	
)	
Respondent.)	
)	

ORDER SUSPENDING REAL ESTATE LICENSE

To: KONSTANTINOS C. KOUKLADAS
260 N. Tustin Ave. #C
Orange, CA 92867

Effective May 27, 2011, Respondent entered into a Stipulation and Agreement ("Stipulation") with the Department. Pursuant to the terms of the Stipulation Respondent's real estate broker license was suspended for ninety days stayed on terms and conditions including the requirement that Respondent take and pass the Professional Responsibility Exam as set forth in the

1 Real Estate Commissioner's Decision in Case No. H-36741 LA. The
2 Commissioner has determined that Respondent has failed to satisfy
3 this condition.

4 NOW, THEREFORE, IT IS ORDERED that the real estate
5 broker license heretofore issued to Respondent and the exercise
6 of any privileges thereunder are hereby suspended until such time
7 as Respondent provides proof satisfactory to the Department of
8 having taken and passed the Professional Responsibility Exam
9 referred to above or pending final determination made after
10 hearing (see "Hearing Rights" set forth below).

11 IT IS FURTHER ORDERED that all license certificates and
12 identification cards issued by the Department of Real Estate
13 which are in the possession of Respondent be immediately
14 surrendered by personal delivery or by mailing in the enclosed
15 self-addressed envelope to:

16 DEPARTMENT OF REAL ESTATE
17 Attention: Flag Section
18 Post Office Box 187000
19 Sacramento, CA 95818-7000

19 HEARING RIGHTS: you have the right to a hearing to
20 contest the Commissioner's determination that you are in
21 violation of the condition. If you desire a hearing, you must
22 submit a written request. The request may be in any form as long
23 as it is in writing and indicates that you want a hearing.
24 Unless a written request for a hearing, signed by or on behalf of
25 you, is delivered or mailed to the Department at 320 West Fourth
26 Street, Suite 350, Los Angeles, California 90013, within 20 days
27 after the date that this Order was mailed to or served on you,

1 the Department will not be obligated or required to provide you
2 with a hearing.

3 This Order shall be effective immediately.

4 DATED: 2/21/12

5 BARBARA J. BIGBY
6 Acting Real Estate Commissioner

7
8 
9

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

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

FILED

APR 28 2011

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-36741 LA
12 KONSTANTINOS C. KOUKLADAS, doing)	
13 business as Arbor Property)	<u>STIPULATION</u>
14 Management APM,)	<u>AND</u>
)	<u>AGREEMENT</u>
15 Respondent.)	

16 It is hereby stipulated by and between Respondent
17 KONSTANTINOS KOUKLADAS (sometimes referred to as (Respondent),
18 represented by Douglas T. Richardson, Esq., and the Complainant,
19 acting by and through Elliott Mac Lennan, Counsel for the
20 Department of Real Estate, as follows for the purpose of settling
21 and disposing of the Accusation (Accusation) filed on July 30,
22 2010, in this matter:

23 1. All issues which were to be contested and all
24 evidence which was to be presented by Complainant and Respondent
25 at a formal hearing on the Accusation, which hearing was to be
26 held in accordance with the provisions of the Administrative
27

1 Procedure Act ("APA"), shall instead and in place thereof be
2 submitted solely on the basis of the provisions of this
3 Stipulation and Agreement ("Stipulation").

4 2. Respondent has received, read and understands the
5 Statement to Respondent, the Discovery Provisions of the APA and
6 the Accusation filed by the Department of Real Estate in this
7 proceeding.

8 3. Respondent timely filed a Notice of Defense
9 pursuant to Section 11506 of the Government Code for the purpose
10 of requesting a hearing on the allegations in the Accusation.
11 Respondent hereby freely and voluntarily withdraws said Notice of
12 Defense. Respondent acknowledges that he understands that by
13 withdrawing said Notice of Defense he thereby waives his right to
14 require the Commissioner to prove the allegations in the
15 Accusation at a contested hearing held in accordance with the
16 provisions of the APA and that he will waive other rights
17 afforded to him in connection with the hearing such as the right
18 to present evidence in his defense the right to cross-examine
19 witnesses.

20 4. This Stipulation is based on the factual
21 allegations contained in the Accusation. In the interest of
22 expedience and economy, Respondent chooses not to contest these
23 allegations, but to remain silent and understands that, as a
24 result thereof, these factual allegations, without being admitted
25 or denied, will serve as a prima facie basis for the disciplinary
26 action stipulated to herein. The Real Estate Commissioner shall
27 not be required to provide further evidence to prove said factual

1 allegations.

2 5. This Stipulation is made for the purpose of
3 reaching an agreed disposition of this proceeding and is
4 expressly limited to this proceeding and any other proceeding or
5 case in which the Department of Real Estate ("Department"), the
6 state or federal government, or any agency of this state, another
7 state or federal government is involved, and otherwise shall not
8 be admissible in any other criminal or civil proceedings.

9 6. It is understood by the parties that the Real
10 Estate Commissioner may adopt this Stipulation as his Decision in
11 this matter thereby imposing the penalty and sanctions on
12 Respondent's real estate licenses and license rights as set forth
13 in the "Order" herein below. In the event that the Commissioner
14 in his discretion does not adopt the Stipulation, it shall be
15 void and of no effect and Respondent shall retain the right to a
16 hearing and proceeding on the Accusation under the provisions of
17 the APA and shall not be bound by any stipulation or waiver made
18 herein.

19 7. The Order or any subsequent Order of the Real
20 Estate Commissioner made pursuant to this Stipulation shall not
21 constitute an estoppel, merger or bar to any further
22 administrative or civil proceedings by the Department of Real
23 Estate with respect to any matters which were not specifically
24 alleged to be causes for Accusation in this proceeding but do
25 constitute a bar, estoppel and merger as to any allegations
26 actually contained in the Accusations against Respondent herein.

27 ///

1 otherwise, for money paid to the Department under the terms of
2 this Decision.

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

8 B. The remaining sixty (60) days of the ninety (90)
9 day suspension shall be stayed for two (2) years upon the
10 following terms and conditions:

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

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

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

1 II. All licenses and licensing rights of Respondent
2 shall be indefinitely suspended unless or until Respondent
3 provides proof satisfactory to the Commissioner that Respondent
4 has paid or made a diligent effort to repay Robert/Alison Houser
5 a lease holding fee of \$300.00 and a rental security deposit of
6 \$2,340.00 totaling \$2,640.00, with respect to the real property
7 located at 4902 Skipjack Drive, Huntington Beach, California., as
8 described in Departmental Audit Report LA 090075, page 5,
9 paragraph "2".

10 (1) Respondents shall mail the repayment by certified
11 mail, return receipt requested, to Robert/Alison Houser's last
12 known address on file with the Department or known to
13 Respondent.

14 (2) If the repayment is returned by the Post Office
15 marked "unable to deliver," Respondent shall employ a locator
16 service (that may be limited to or include the Internet or other
17 database retrieval search) to attempt to locate Robert/Alison
18 Houser. Payments shall then be made to the addresses
19 recommended by the locator service.

20 (3) If unable to effect payment after using a locator
21 service, Respondent shall provide reasonable proof satisfactory
22 to the Commissioner of Respondent's efforts to comply herein.

23 (4) If the Commissioner determines that proof to be
24 unsatisfactory, he shall so advise Respondent, and indicate what
25 additional reasonable efforts should be made to effect said
26 repayment.

27 ///

1 III. Pursuant to Section 10148 of the Business and
2 Professions Code, Respondent KONSTANTINOS KOUKLADAS shall pay the
3 Commissioner's reasonable cost for (a) the audit which led to
4 this disciplinary action and (b) a subsequent audit to determine
5 if Respondent is now in compliance with the Real Estate Law. The
6 cost of the audit which led to this disciplinary action is
7 \$4,522.90. In calculating the amount of the Commissioner's
8 reasonable cost, the Commissioner may use the estimated average
9 hourly salary for all persons performing audits of real estate
10 brokers, and shall include an allocation for travel time to and
11 from the auditor's place of work. Said amount for the prior and
12 subsequent audits shall not exceed \$9,045.80. Respondent shall
13 pay such cost within 60 days of receiving an invoice from the
14 Commissioner detailing the activities performed during the audit
15 and the amount of time spent performing those activities.

16 The Commissioner may suspend the license of Respondent
17 pending a hearing held in accordance with Section 11500, et seq.,
18 of the Government Code, if payment is not timely made as provided
19 for herein, or as provided for in a subsequent agreement between
20 the Respondent and the Commissioner. The suspension shall remain
21 in effect until payment is made in full or until Respondent
22 enters into an agreement satisfactory to the Commissioner to
23 provide for payment, or until a decision providing otherwise is
24 adopted following a hearing held pursuant to this condition.

25 ///

26 ///

27 ///

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

11 V. Respondent shall within six (6) months from the
12 effective date of the Decision herein, take and pass the
13 Professional Responsibility Examination administered by the
14 Department including the payment of the appropriate examination
15 fee. If Respondent fails to satisfy this condition, the
16 Commissioner may order suspension of Respondent's license until
17 Respondent passes the examination.

18 VI. Respondent shall, within nine (9) months from the
19 effective date of this Decision, present evidence satisfactory to
20 the Real Estate Commissioner that Respondent has, since the most
21 recent issuance of an original or renewal real estate license,
22 taken and successfully completed the continuing education
23 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
24 for renewal of a real estate license. If Respondent fails to
25 satisfy this condition, the Commissioner may order the suspension
26 of Respondent's license until Respondent presents such evidence.
27 The Commissioner shall afford Respondent the opportunity for a

1 hearing pursuant to the Administrative Procedure Act to present
2 such evidence.

3 VII. During the two year period set forth above,
4 Respondent shall not serve as the designated officer for any
5 corporate real estate broker unless and until Respondent is the
6 owner of record of the controlling shares of the corporation.

7

8

9 DATED: 3-23-11

EJL
ELLIOTT MAC LENNAN, Counsel for
Department of Real Estate

10

* * *

11

EXECUTION OF THE STIPULATION

12

13 I have read the Stipulation and discussed it with my
14 counsel. Its terms are understood by me and are agreeable and
15 acceptable to me. I understand that I am waiving rights given to
16 me by the California Administrative Procedure Act (including but
17 not limited to Sections 11506, 11508, 11509 and 11513 of the
18 Government Code), and I willingly, intelligently and voluntarily
19 waive those rights, including the right of requiring the
20 Commissioner to prove the allegations in the Accusation at a
21 hearing at which I would have the right to cross-examine
22 witnesses against me and to present evidence in defense and
23 mitigation of the charges.

24

///

25

///

26

///

27

///

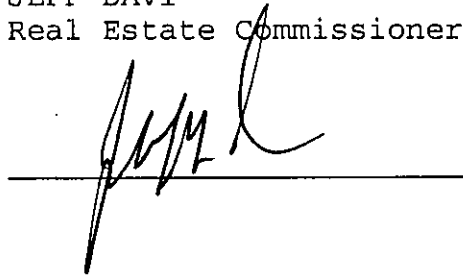
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

* * *

The foregoing Stipulation and Agreement is hereby
adopted as my Decision as to Respondent KONSTANTINOS KOUKLADAS
and shall become effective at 12 o'clock noon on
May 27, 2011.

IT IS SO ORDERED 4-25, 2011.

JEFF DAVI
Real Estate Commissioner



A handwritten signature in black ink, appearing to read 'Jeff Davi', is written over a horizontal line.

S. A.

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

JUL 30 2010

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-36741 LA

12)
13) KONSTANTINOS C. KOUKLADAS, doing
14) business as Arbor Property
15) Management APM,

) A C C U S A T I O N

16) Respondent.)

16 The Complainant, Robin Trujillo, a Deputy Real Estate
17 Commissioner of the State of California, acting in her official
18 capacity, for cause of Accusation against KONSTANTINOS KOUKLADAS
19 aka Konstantinos C. Koukladas dba Arbor Property Management APM
20 Inc., aka Arbor Property Management aka Arbor Property Management
21 Inc., and Security Management & Leasing Inc., is informed and
22 alleges as follows:

23 1.

24 All references to the "Code" are to the California
25 Business and Professions Code and all references to "Regulations"
26 are to Title 10, Chapter 6, California Code of Regulations.
27

2.

1
2 At all times mentioned, KONSTANTINOS KOUKLADAS
3 ("KOUKLADAS"), was licensed or had license rights issued by the
4 Department of Real Estate ("Department") as a real estate broker.
5 On February 17, 1999, KOUKLADAS was originally licensed as a real
6 estate salesperson. On March 18, 2008, KOUKLADAS was originally
7 licensed as a real estate broker.

8 3.

9 At all times mentioned, in the City of Anaheim Hills,
10 County of Orange, KOUKLADAS engaged in the business of, acted in
11 the capacity of, advertised or assumed to act as a real estate
12 broker, including the operation and conduct of a property
13 management business dba Arbor Property Management APM., aka Arbor
14 Property Management, aka Arbor Property Management Inc., and
15 Security Management & Leasing Inc., with the public wherein, for
16 or in expectation of compensation, for another or others,
17 Respondent leased or rented or offered to lease or rent, or
18 placed for rent, or solicited listings of places for rent, or
19 solicited for prospective tenants, or collected rents from real
20 property, or improvements thereon.

22 4.

23 On December 3, 2009, the Department completed an audit
24 examination of the books and records of KOUKLADAS, pertaining to
25 the property management activities described in Paragraph 3, that
26 require a real estate license. The audit examination covered a
27

1 period of time beginning on January 1, 2007 to September 30,
2 2009. The audit examination revealed violations of the Code and
3 the Regulations as set forth below, and more fully discussed in
4 Audit Report LA 090075 and the exhibits and work papers attached.

5 5.

6 At all times mentioned, in connection with the
7 activities described in Paragraph 4, above, KOUKLADAS accepted or
8 received funds including funds in trust (hereinafter "trust
9 funds") from or on behalf of actual or prospective parties to
10 transactions handled by KOUKLADAS including property owners and
11 tenants. KOUKLADAS maintained the following bank account:

12
13 "Arbor Property Management Inc.
14 7038583204"
15 Bank of America
Anaheim Hills, California
(B/A #1)

16
17 6.

18 In the course of activities described in Paragraphs 3
19 and 5, above, and during the audit examination period described
20 in Paragraph 4, Respondent KOUKLADAS, acted in violation of the
21 Code and the Regulations in that KOUKLADAS:

22 (a) Failed to disburse from B/A #1 broker's fees
23 totaling \$4,889.12, within twenty-five days of deposit, in
24 violation of Code Sections 10145, 10176(e) and Regulation 2835.

25 (b) Failed to maintain a control record in the form of
26 a columnar record in chronological order of all trust funds
27

1 including security deposits and rental receipts received,
2 deposited and disbursed from the general operating property
3 management bank account, B/A #1, in violation of Code Section
4 10145 and Regulation 2831.

5 (c) Failed to maintain a separate record for each
6 beneficiary or transaction, thereby failing to account for all
7 trust funds including security deposits and rental receipts
8 received, deposited and disbursed from the general operating bank
9 account, B/A #1, in violation of Code Section 10145 and
10 Regulation 2831.1.

11 (d) Failed to perform a monthly reconciliation of the
12 balance of all separate beneficiary or transaction records
13 maintained pursuant to Regulation 2831.1 with the record of all
14 trust funds received and disbursed by the general operating bank
15 account, B/#1, in violation of Code Section 10145 and Regulation
16 2831.2.

17 (e) B/A #1, KOUKLADAS' general operating account, was
18 not in the name of the broker as trustee at a bank or other
19 financial institution, nor designated as a trust account, in
20 violation of Code Section 10145 and Regulation 2832(a).

21 (f) Permitted Kristina Koukladas, KOUKLADAS' daughter,
22 an unlicensed and unbonded person, to be an authorized signatory
23 on the B/A #1, into which were deposited trust funds in the form
24 of rental receipts, in violation of Code Section 10145 and
25

26
27

1 Regulation 2834. On November 12, 2009, the bank signature card
2 for B/#1 was corrected.

3 (g) Failed to retain the salesperson license
4 certificates for salespersons Krishna Lall and Jeffrey Brian
5 Schwartz, in violation of Code Section 10160 and Regulation 2753.

6 (h) (1) Respondent KOUKLADAS as Arbor Property
7 Management Inc. (APMI), Arbor Property Management Inc., engaged
8 in the business of a real estate broker by charging a fee for
9 managing properties for others, soliciting rental listings,
10 soliciting prospective tenants, and receiving and disbursing
11 trust funds in the form of security deposits and rents during the
12 period from April 22, 2008 to September 30, 2009 without first
13 obtaining a fictitious business name license from the Department.
14 APMI has provided property managements services from April 2008
15 to present.

16 (h) (2) Up to March 18, 2008, KOUKLADAS, acted in the
17 capacity of a broker and conducted licensed activities such as
18 soliciting for prospective tenants, negotiating leases on real
19 property, collected rents, and made disbursements of trust funds
20 without first obtaining a broker license from the Department.
21 KOUKLADAS provided property management services under his
22 salesperson license up to March 18, 2008, upon which time he was
23 properly licensed as a broker.

24 (h) (3) Respondent as SMLI (SMLI), Security Management
25 and Leasing Inc., engaged in the business of a real estate broker
26
27

1 by managing properties for others, and providing prepaid rental
2 listing services without first obtaining a license from the
3 Department.

4 Respondent KOUKLADAS' conduct, acts and/or omissions
5 are in violation of:

6 Code Section 10159.5 and Regulation 2731 with respect
7 to (h)(i);

8 Code Sections 10130 with respect to (h)(2); and

9 Code Sections 10130 and 10167.2 with respect to (h)(3).

10 (i)(1) After notice and subpoena on March 29, 2010,
11 failed to retain all records of KOUKLADAS' activity during the
12 audit period requiring a real estate broker license, in violation
13 of Code Section 10148.

14 (i)(2) KOUKLADAS/APMI failed to retain the records and
15 files of the property management activities during the period
16 from April 2008 to August 2008. Also APMI did not retain and
17 provide any invoices for the repairs and maintenance of the
18 properties managed during the audit period.

19 (i)(3) Koukladas failed to retain: (1) all the records
20 for the property management activities under his individual
21 license; (2) the property management file for the property
22 located at 4902 Skipjack Dr., Huntington Beach, California, owned
23 by Robert and Alison Houser; and (3) all the records pertaining
24 to SMLI's, Security Management and Leasing Inc., real estate
25 activities except the rental agreement dated June 13, 2002, and
26
27

1 income and expense statement of June 2002 for the property
2 located at 5552 Harold Place, Huntington Beach, California.

3 7.

4 The conduct of Respondent KOUKLADAS, as alleged and
5 described in Paragraph 6, above, violated the Code and the
6 Regulations as set forth below:

<u>PARAGRAPH</u>	<u>PROVISIONS VIOLATED</u>
6(a)	Code Section 10145 and 10176(e) and Regulation 2835
6(b)	Code Section 10145 and Regulation 2831
6(c)	Code Section 10145 and Regulation 2831.1
6(d)	Code Section 10145 and Regulation 2831.2
6(e)	Code Section 10145 and Regulation 2832(a)
6(f)	Code Section 10145 and Regulation 2834

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(g) Code Section 10160 and Regulation 2753
- 6(h) Code Sections, 10130, 10167.2, 10159.5 and Regulation 2731
- 6(i) Code Section 10148

The foregoing violations constitute cause for the suspension or revocation of the real estate license and license rights of KOUKLADAS under the provisions of Code Sections 10130, 10176(e), 10177(d) and/or 10177(g).

Negligence

8.

The overall conduct of Respondent KOUKLADAS constitutes negligence or incompetence. This conduct and violation are cause for the discipline of the real estate license and license rights of Respondent pursuant to Code Section 10177(g).

Breach of Fiduciary Duty

9.

The conduct, acts and omissions of Respondent KOUKLADAS constitutes a breach of fiduciary duty to Respondent's property management clientele, in violation of Code Section 10177(g).

Supervision

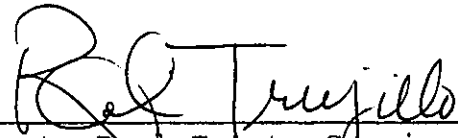
10.

1
2
3 The overall conduct of Respondent KOUKLADAS constitutes
4 a failure on his part to exercise reasonable supervision and
5 control over the licensed activities his brokerage, in violation
6 of Code Section 10177(h) and Regulation 2725, and to keep his
7 brokerage in compliance with the Real Estate Law, and is cause
8 for the suspension or revocation of the real estate license and
9 license rights of KOUKLADAS pursuant to the provisions of Code
10 Sections 10177(d), 10177(g) and 10177(h).

11 WHEREFORE, Complainant prays that a hearing be
12 conducted on the allegations of this Accusation and that upon
13 proof thereof, a decision be rendered imposing disciplinary
14 action against the license and license rights of Respondent
15 KONSTANTINOS C. KOUKLADAS, under the Real Estate Law (Part 1 of
16 Division 4 of the Business and Professions Code) and for such
17 other and further relief as may be proper under other applicable
18 provisions of law including restitution pursuant to applicable
19 provisions of the California Administrative Procedure Act.

20 Dated at Los Angeles, California

21 this 30 day of July 2010.

22 
23 Deputy Real Estate Commissioner

24
25 cc: Konstantinos C. Koukladas
26 Robin Trujillo
27 Zaky Wanis
Sacto