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ELLIOTT MAC LENNAN, SBN 66674
Department of Real Estate
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FILED

MAR -8 2011

DEPARTMENT OF REAL ESTATE
BY: 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

| | | |
|--------------------------------------|---|----------------------------|
| In the Matter of the Accusation of |) | No. H- 37114 LA |
| KEY ASSET SOLUTIONS INC. doing |) | <u>A C C U S A T I O N</u> |
| business as Key Asset Solutions REO, |) | |
| Key Asset Realty & REO, Key Asset |) | |
| Realty, and Key Asset REO; and |) | |
| WILLIAM RYAN LENOCKER, individually |) | |
| and as designated officer of |) | |
| Key Asset Solutions Inc. |) | |
| |) | |
| Respondents. |) | |

The Complainant, Robin Trujillo, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against KEY ASSET SOLUTIONS INC. doing business as Key Asset Solutions REO, Key Asset Realty & REO, Key Asset Realty, and Key Asset REO, and WILLIAM RYAN LENOCKER, individually and as designated officer of Key Asset Solutions Inc., alleges as follows:

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1.

The Complainant, Robin Trujillo, acting in her official capacity as a Deputy Real Estate Commissioner of the State of California, makes this Accusation against KEY ASSET SOLUTIONS INC. and WILLIAM RYAN LENOCKER.

2.

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

License History

3.

A. At all times mentioned, KEY ASSET SOLUTIONS INC. ("KASI") was licensed or had license rights issued by the Department of Real Estate ("Department") as a real estate broker. On November 7, 2008, KASI was originally licensed as a corporate real estate broker by and through WILLIAM RYAN LENOCKER.

B. At all times mentioned, WILLIAM RYAN LENOCKER ("LENOCKER") was licensed or had license rights issued by the Department as a real estate broker. On May 11, 2005, LENOCKER was originally licensed as a real estate broker.

C. At all times material herein, KASI was licensed by the Department as a corporate restricted real estate broker by and through LENOCKER, as the designated officer and broker responsible, pursuant to Code Sections 10159.2 and 10211 of the Business and Professions Code for supervising the activities requiring a real estate license conducted on behalf KASI of by KASI's officers, agents and employees, including LENOCKER.

1 Violations Of The Real Estate Law

2 7.

3 In the course of activities described in Paragraph 4,
4 above, and during the examination period described in Paragraph
5 5, Respondents KASI and LENOCKER, acted in violation of the Code
6 and the Regulations in that Respondents:

7 (a) Failed to place trust funds, including earnest
8 money deposits for buyers Victor/Elizabeth Valencia, Jason
9 Gundersen and Marc Rose, accepted on behalf of another into the
10 hands of the owner of the funds, a neutral escrow depository or
11 into a trust fund account in the name of the trustee at a bank or
12 other financial institution not later than three business days
13 following receipt of the funds by the broker or by the broker's
14 salesperson, in violation of Code Section 10145 and Regulation
15 2832(d);

16 (b) Misrepresented to seller that KASI held an earnest
17 money deposit for buyer Victor/Elizabeth Valencia, in violation
18 of Section 10176(a);

19 (c) Employed and/or compensated Norma P. Juanez, as an
20 agent who LENOCKER knew or should have known was not licensed by
21 the Department as real estate broker or as a real estate
22 salesperson employed by a real estate broker, for performing acts
23 for which a real estate license is required, including
24 negotiating residential resales for buyers Robin Bermudez and
25 Crystal Aldana, Victor/Elizabeth Valencia, and Miguel/Candice
26 Estrada, in violation of Code Section 10137; and

1 (d) LENOCKER failed to exercise adequate supervision
2 over RFNI's activities requiring a real estate license to ensure
3 compliance the Real Estate Laws and Regulations and had no system
4 in place for regularly monitoring KASI's compliance with the Real
5 Estate Law, in violation of Code Sections 10159.2, 10177(h) and
6 Regulation 2725.

7 Disciplinary Statues And Regulations

8 8.

9 The conduct of Respondents KASI and LENOCKER, described
10 in Paragraph 6, violated the Code and the Regulations below:
11 forth:

| 12 <u>PARAGRAPH</u> | <u>PROVISIONS VIOLATED</u> |
|---------------------|---|
| 13 6(a) | Code Section 10145 and Regulation 14 2832(d) |
| 15 6(b) | Code Section 10176(a) |
| 16 | |
| 17 | |
| 18 6(c) | Code Section 10137 |
| 19 | |
| 20 | |
| 21 6(d) | Code Sections 10159.2 and 10177(h) and 22 Regulation 2725 (LENOCKER) |
| 23 | |

24 The foregoing violations constitute cause for discipline of the
25 real estate license and license rights of KASI and LENOCKER,
26 under the provisions of Code Sections 10176(a), 10177(d) and/or
27 10177(g).

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Negligence

9.

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

10.

Breach of Fiduciary Duty

The overall conduct of Respondents KASI and LENOCKER constitutes a breach of fiduciary duty. This conduct and violation are cause for discipline of the real estate license and license rights of said Respondents pursuant to the provisions of Code Section and/or 10177(g).

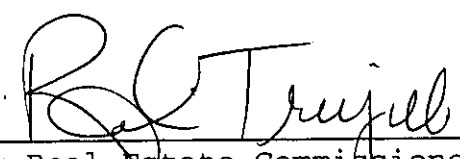
Failure to Supervise

11.

The overall conduct of Respondent LENOCKER constitutes a failure on Respondent's part, as officer designated by a corporate broker licensee, to exercise the reasonable supervision and control over the licensed activities of KASI as required by Code Sections 10159.2 and 10211, and to keep KASI in compliance with the Real Estate Law, and is cause for discipline of the real estate license and license rights of LENOCKER pursuant to the provisions of Code Section 10177(d), 10177(h) 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 KEY
5 ASSET SOLUTIONS INC. and WILLIAM RYAN LENOCKER, under the Real
6 Estate Law (Part 1 of Division 4 of the Business and Professions
7 Code) and for such other and further relief as may be proper
8 under other applicable provisions of law.

9 Dated at Los Angeles, California
10 this 26 day of January 2011. 
11 Deputy Real Estate Commissioner

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24 cc: Key Asset Solutions Inc.
25 c/o William Ryan Lenocker D.O.
26 Robin Trujillo
Sacto
Audits - Isabel Beltran

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