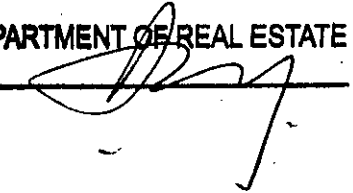


1 Department of Real Estate
2 320 West 4th Street, Ste. 350
3 Los Angeles, California 90013-1105

4 Telephone: (213) 576-6982

FILED

JAN 19 2012

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)

12 DOV SANDLER, doing business as)
13 Village Rentals & Management,)
14 and Heritage Brokers,)

15 Respondent.)
16)
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No. H-37121 LA

STIPULATION
AND
AGREEMENT

16 It is hereby stipulated by and between Respondent DOV SANDLER (sometimes
17 referred to as (Respondent), and the Complainant, represented by Robert Forgnone, Esq. acting
18 by and through Elliott Mac Lennan, Counsel for the Department of Real Estate, as follows for the
19 purpose of settling and disposing of the Accusation ("Accusation") filed on March 9, 2011, in
20 this matter:

21 1. All issues which were to be contested and all evidence which was to be
22 presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing
23 was to be held in accordance with the provisions of the Administrative Procedure Act ("APA"),
24 shall instead and in place thereof be submitted solely on the basis of the provisions of this
25 Stipulation and Agreement ("Stipulation").

26 ///

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

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

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

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

23 6. It is understood by the parties that the Real Estate Commissioner may adopt
24 this Stipulation as his Decision in this matter thereby imposing the penalty and sanctions on
25 Respondent's real estate licenses and license rights as set forth in the "Order" herein below. In
26 the event that the Commissioner in his discretion does not adopt the Stipulation, it shall be void
27 and of no effect and Respondent shall retain the right to a hearing and proceeding on the

1 Accusation under the provisions of the APA and shall not be bound by any stipulation or waiver
2 made herein.

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

9 8. Respondent understands that by agreeing to this Stipulation, Respondent agrees
10 to pay, pursuant to Business and Professions Code Section 10148, the cost of the audit. The
11 amount of said cost for the audit is \$4,673.25.

12 9. Respondent has received, read, and understands the "Notice Concerning Costs
13 of Subsequent Audit". Respondent further understands that by agreeing to this Stipulation, the
14 findings set forth below in the Determination of Issues become final, and the Commissioner may
15 charge Respondent for the cost of any subsequent audit conducted pursuant to Business and
16 Professions Code Section 10148 to determine if the violations have been corrected. The
17 maximum cost of the subsequent audit will not exceed \$4,673.25.

18 DETERMINATION OF ISSUES

19 By reason of the foregoing, it is stipulated and agreed that the following
20 determination of issues shall be made:

21 The conduct, acts and omissions of Respondent DOV SANDLER, as described in
22 Paragraph 4, above, are in violation of Sections 10145 and 10148 of the Business and
23 Professions Code ("Code") and Sections 2831, 2831.1, 2831.2 and 2832 of Title 10, Chapter 6 of
24 the California Code of Regulations ("Regulations") and is a basis for discipline of Respondent
25 SANDLER's license and license rights as a violation of the Real Estate Law pursuant to Code
26 Section 10177(d).

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

3 2. That no final subsequent determination be made after hearing or upon
4 stipulation, which cause for disciplinary action occurred within three (3) years from the effective
5 date of this Decision. Should such a determination be made, the Commissioner may, in his
6 discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed
7 suspension. Should no such determination be made, the stay imposed herein shall become
8 permanent.

9 II.

10 Pursuant to Section 10148 of the Business and Professions Code, Respondent
11 DOV SANDLER shall pay the Commissioner's reasonable cost for (a) the audit which led to this
12 disciplinary action and (b) a subsequent audit to determine if Respondent is now in compliance
13 with the Real Estate Law. The cost of the audit which led to this disciplinary action is \$4,673.25.
14 In calculating the amount of the Commissioner's reasonable cost, the Commissioner may use the
15 estimated average hourly salary for all persons performing audits of real estate brokers, and shall
16 include an allocation for travel time to and from the auditor's place of work. Said amount for the
17 prior and subsequent audits shall not exceed \$9,346.50. Respondent shall pay such cost within
18 60 days of receiving an invoice from the Commissioner detailing the activities performed during
19 the audit and the amount of time spent performing those activities.

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

27 ///

1 III.

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

9 IV.

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

15 V.

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

24 VI.

25 During the three (3) year period set forth above, Respondent shall retain
26 professional accounting services to review his trust accounting procedures. If Respondent fails to
27 satisfy this condition, the Commissioner may order suspension of Respondent's license.

1
2
3
4 DATED: 10-17-11

E 7
ELLIOTT MAC LENNAN, Counsel for
Department of Real Estate

5
6 ***

7 EXECUTION OF THE STIPULATION

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

15 MAILING/FACSIMILE

16 Respondent (1) shall mail the original signed signature page of the stipulation
17 herein to Elliott Mac Lennan: Attention: Legal Section, Department of Real Estate, 320 W.
18 Fourth St., Suite 350, Los Angeles, California 90013-1105. Additionally, Respondent (2) shall
19 also facsimile a copy of signed signature page, to the Department at the following fax number:
20 (213) 576-6917, Attention: Elliott Mac Lennan.

21 A facsimile constitutes acceptance and approval of the terms and conditions of
22 this stipulation. Respondent agrees, acknowledges and understands that by electronically sending
23 to the Department a facsimile copy of Respondent's actual signature as it appears on the
24 stipulation that receipt of the facsimile copy by the Department shall be as binding on
25 Respondent as if the Department had received the original signed stipulation.

26 ///

DATED: 10/14/11


DOV SANDLER, Respondent

DATED: 12/14/01


ROBERT FORGNONE, ESQ.
Attorney for Respondent
Approved as to form

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The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
Respondent DOV SANDLER and shall become effective at 12 o'clock noon on
February 17, 2012.

IT IS SO ORDERED 1/9, 2011. 2012

BARBARA J. BIGBY
Acting Real Estate Commissioner



FILED

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DEPARTMENT OF REAL ESTATE
BY: *[Signature]*

ELLIOTT MAC LENNAN, SBN 66674
Department of Real Estate
320 West 4th Street, Ste. 350
Los Angeles, California 90013-1105

Telephone: (213) 576-6911 (direct)
-or- (213) 576-6982 (office)

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of	)	No. H-37121 LA
	)	
DOV SANDLER, doing business as	)	<u>ACCUSATION</u>
Village Rentals & Management,	)	
and Heritage Brokers,	)	
	)	
Respondent.	)	
	)	

The Complainant, Robin Trujillo, a Deputy Real Estate Commissioner of the State of California, acting in her official capacity, for cause of Accusation against DOV SANDLER doing business as Village Rentals & Management and Heritage Brokers, is informed and alleges as follows:

1.

The Complainant, Robin Trujillo, acting in her official capacity as a Deputy Real Estate Commissioner of the State of California, makes this Accusation.

///

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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.

At all times mentioned, DOV SANDLER ("SANDLER"), was licensed or had license rights issued by the Department of Real Estate ("Department") as a real estate broker. SANDLER was originally licensed as a real estate broker on April 24, 1978. On February 18, 2008, in Case No. H-34119 LA, SANDLER's broker license was suspended on terms and conditions pursuant to a Stipulation and Agreement effective on February 15, 2008 (sic), as set forth below in Paragraph 12.

Brokerage

4.

At all times mentioned, in the City of Montebello, County of Los Angeles, SANDLER engaged in the business of, acted in the capacity of, advertised or assumed to act as a real estate broker, including the operation and conduct of a property management business dba Village Rentals & Management and Heritage Brokers within the meaning of Code Section 10131(b), with the public wherein, for or in expectation of compensation, for another or others, Respondent leased or rented or offered to lease or rent, or placed for rent, or solicited listings of

1 places for rent, or solicited for prospective tenants, or
2 collected rents from real property, or improvements thereon.

3 FIRST CAUSE OF ACCUSATION
4 (Audit Examination)

5 5.

6 On October 1, 2009 the Department completed an audit
7 examination of the books and records of SANDLER, pertaining to
8 the property management activities described in Paragraph 3, that
9 require a real estate license. The audit examination covered a
10 period of time beginning on February 18, 2008 to June 30, 2009.
11 The audit examination revealed violations of the Code and the
12 Regulations as set forth below, and more fully discussed in Audit
13 Report LA 080325 and the exhibits and work papers attached.

14 As set forth below in Paragraph 7, SANDLER was not in
15 compliance with Code Section 10145 and Regulation 2831.2 yet was
16 in compliance with Code Section 10145 and Regulations 2832.1 and
17 2834 as cited per Prior Audit Report LA 040202 and the
18 Stipulation and Agreement for Accusation H-34119 LA.

19 Trust Accounts

20 6.

21 At all times mentioned, in connection with the
22 activities described in Paragraph 4, above, SANDLER accepted or
23 received funds including funds in trust (hereinafter "trust
24 funds") from or on behalf of actual or prospective parties to
25 transactions handled by SANDLER including property owners and
26 tenants. SANDLER maintained the following bank accounts:
27

1 "Village Rentals & Management - Trust Account
XXXXXXXXXX3761"

2 Banco Popular

3 P.O. Box 690547

Orlando, FL 32869

(T/A #1)

5 "Village Rentals and Mgmt Stanton Olympic T/A
XXXXXXXXXX8171"

6 Banco Popular

7 P.O. Box 690547

Orlando, FL 32869

(T/A #2)

10 "Village Rentals and Mgmt Stanton Azuza T/A
XXXXXXXXXX8221"

11 Banco Popular

12 P.O. Box 690547

Orlando, FL 32869

(T/A #3)

15 Violations of the Real Estate Law

16 7.

17 In the course of activities described in Paragraphs 4
18 and 6, above, and during the audit examination period described
19 in Paragraph 5, Respondent SANDLER, acted in violation of the
20 Code and the Regulations in that SANDLER:

21 (a) Failed to maintain a control record in the form of
22 a columnar record in chronological order of all trust funds
23 including security deposits and rental receipts received,
24 deposited and disbursed from the general operating property
25 management bank account, B/A #1, in violation of Code Section
26 10145 and Regulation 2831.
27

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

7 (c) Failed to place trust funds, including rents,
8 accepted on behalf of another into the hands of the owner of the
9 funds, a neutral escrow depository or into a trust fund account,
10 T/A #1, in the name of the trustee at a bank or other financial
11 institution not later than three business days following receipt
12 of the funds by the broker or by the broker's salesperson, in
13 violation of Code Section 10145 and Regulation 2832(a) and (d).
14

15 (d) Failed to perform a monthly reconciliation of the
16 balance of all separate beneficiary or transaction records
17 maintained pursuant to Regulation 2831.1 with the record of all
18 trust funds received and disbursed by the general operating bank
19 account, B/#1, in violation of Code Section 10145 and Regulation
20 2831.2.

21 (e) Received undisclosed compensation in the form of an
22 overcharged management fees from property owners tabled below, in
23 violation of Code Section 10176(g).

24 ///

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Property Name	Check Date	Check Number	Amount Received	Amount per Agreement	Over
721 via Altamira	06/08/09	1860	\$204.00	\$141.54	\$62.46
3522/3526 Beachwood	06/12/09	1875	\$617.00	\$564.90	\$52.10
3580 Bchwood/3535 Los Flores	06/12/09	1875	\$450.00	\$414.00	\$36.00
12543 Klingerman	06/12/09	1875	\$100.00	\$ 90.00	\$10.00
721 via Altamira	05/05/09	1812	\$204.00	\$141.54	\$62.46
6001 Fairfield	02/19/09	1693	\$ 95.00	\$ 84.00	\$11.00
1018 Azusa	06/02/09	1228	\$279.00	\$237.65	\$41.35
1018 Azusa	05/07/09	1222	\$279.00	\$300.65	\$21.65
1018 Azusa	04/03/09	1218	\$279.00	\$200.90	\$78.10

(f) After notice, failed to retain all records of Sandler's activity during the audit period requiring a real estate broker license. SANDLER refused to provide bank statements for T/A #1 and the control and separate records therefor, in violation of Code Section 10148.

8.

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

PARAGRAPH

PROVISIONS VIOLATED

7(a)

Code Section 10145 and Regulation 2831

7(b)

Code Section 10145 and Regulation 2831.1

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- 7(c) Code Section 10145 and Regulation
2832(a) and (d)
- 7(d) Code Section 10145 and Regulation
2831.2
- 7(e) Code Section 10176(g)
- 7(f) Code Section 10148

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

SECOND CAUSE OF ACCUSATION
(Negligence)

9.

The overall conduct of Respondent SANDLER 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).

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1 broker license were suspended for ninety days (90) days on terms
2 and conditions. Said suspension commenced on February 15, 2008
3 (sic) and was released on August 12, 2008.

4 WHEREFORE, Complainant prays that a hearing be
5 conducted on the allegations of this Accusation and that upon
6 proof thereof, a decision be rendered imposing disciplinary
7 action against the license and license rights of Respondent DOV
8 SANDLER, under the Real Estate Law (Part 1 of Division 4 of the
9 Business and Professions Code) and for such other and further
10 relief as may be proper under other applicable provisions of law
11 including restitution where applicable and costs of audit
12 pursuant to applicable provisions of the California
13 Administrative Procedure Act.

14 Dated at Los Angeles, California

15
16 this 3 day of March 2011. R. G. Trujillo
17 Deputy Real Estate Commissioner
18

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24 cc: Dov Sandler
25 Robin Trujillo
26 Isabel Beltran
27 Sacto