| Spe | |
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| - 1 2 3 4 5 | Department of Real Estate 320 West Fourth Street, #350 Los Angeles, California 90013 (213) 576-6982 By |
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| 6 | BEFORE THE DEPARTMENT OF REAL ESTATE |
| 9 | STATE OF CALIFORNIA |
| 10 | In the Matter of the Accusation of) NO. H-37360 LA |
| 12. | In the Matter of the Accusation of) NO. H-37360 LA) L-2011081050 HENDRIK JAN BARTO,) |
| 13 | Respondent.) |
| 14 |) <u>STIPULATION AND AGREEMENT</u> |
| 1.5 | |
| 16 | It is hereby stipulated by and between HENDRIK JAN |
| 17 | BARTO ("Respondent") and his attorney, Kelly A. Neavel, and the |
| 18 | Complainant, acting by and through Lissete Garcia, Counsel for |
| 19 20 | the Department of Real Estate, as follows for the purpose of |
| 21 | settling and disposing of the Accusation filed on June 27, 2011, |
| . 22 | 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 at a formal hearing on the Accusation, which hearing was to be |
| 25 | held in accordance with the provisions of the Administrative |
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Procedure Act ("APA"), shall instead and in place thereof be
 submitted solely on the basis of the provisions of this
 Stipulation and Agreement.

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

3. On July 11, 2011, Respondent filed a Notice of 8 Defense pursuant to Section 11506 of the Government Code for the 9 purpose of requesting a hearing on the allegations in the 10 Accusation. Respondent hereby freely and voluntarily withdraws 11 said Notice of Defense. Respondent acknowledges that he 12 understands that by withdrawing said Notice of Defense he will 13 thereby waive his right to require the Commissioner to prove the 14 allegations in the Accusation at a contested hearing held in 15 accordance with the provisions of the APA and that he will waive 16 other rights afforded to him in connection with the hearing such 17 as the right to present evidence in defense of the allegations in 18 the Accusation and the right to cross-examine witnesses. 19

4. This Stipulation is based on the factual
allegations contained in the Accusation filed in this proceeding.
In the interest of expedience and economy, Respondent chooses not
to contest these factual allegations, but to remain silent and
understands that, as a result thereof, these factual statements,
will serve as a prima facie basis for the disciplinary action
stipulated to herein. The Real Estate Commissioner shall not be

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1 || required to provide further evidence to prove such allegations.

2 5. This Stipulation and Respondent's decision not to 3 contest the Accusation are made for the purpose of reaching an 4 agreed disposition of this proceeding and are expressly limited to this proceeding and any other proceeding or case in which the 5 Department or another licensing agency of this state, another 6 7 state or if the federal government is involved and otherwise shall not be admissible in any other criminal or civil 8 proceedings. 9

10 6. It is understood by the parties that the Real Estate Commissioner may adopt the Stipulation as her decision in 11 this matter thereby imposing the penalty and sanctions on 12 Respondent's real estate license and license rights as set forth 13 in the below "Order". In the event that the Commissioner in her 14 15 discretion does not adopt the Stipulation, the Stipulation shall be void and of no effect, and Respondent shall retain the right 16 to a hearing on the Accusation under all the provisions of the 17 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
Estate Commissioner made pursuant to this Stipulation shall not
constitute an estoppel, merger or bar to any further
administrative or civil proceedings by the Department with
respect to any conduct which was not specifically alleged to be
causes for accusation in this proceeding.

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8. Respondent understands that by agreeing to this
 Stipulation, he agrees to pay pursuant to Business and
 Professions Code Section 10148, the cost of audits which led to
 this disciplinary action. The amount of said cost for the audits
 is \$8,456.00.

9. Respondent understands that by agreeing to this
7 Stipulation, the findings set forth below in the Determination of
8 Issues become final, and the Commissioner may charge Respondent
9 for the cost of any subsequent audit conducted pursuant to
10 Business and Professions Code Section 10148 to determine if the
11 violations have been corrected. The maximum cost of the
12 subsequent audit will not exceed \$8,456.00.

DETERMINATION OF ISSUES

By reason of the foregoing stipulation and waiver and solely for the purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed that the following determination of issues shall be made:

19 The conduct, acts and/or omissions of Respondent 20 HENDRIK JAN BARTO, as set forth in the Accusation, constitute 21 cause for the suspension or revocation of all the real estate 22 licenses and license rights of Respondent HENDRIK JAN BARTO under 23 the provisions of Sections 10177(d), 10177(g) and 10177(h) of the 24 Business and Professions Code ("Code") for violations of sections 25 the Business and Professions Code and Title 10, Chapter 6, 26 California Code of Regulations as set forth below.

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Audit LA 100063

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| 2 | 1. On November 29, 2010, the Department completed an |
| 3 | audit examination of the books and records of Respondent BARTO's |
| 4 | dbas Leisure Living Resales and Senior Living 55+ Real Estate |
| 5 | Properties pertaining to the real estate activities which require |
| 6 | a real estate license. The audit examination covered a period of |
| 7 | time beginning on September 7, 2007 to August 31, 2010. The |
| 8 | audit examination revealed violations of the Code and the |
| 9 | Regulations as set forth in the following paragraphs, and more |
| 10 | fully discussed in Audit Report LA 100063 and the exhibits and |
| 11 | work papers attached to said Audit Report. |
| 12 | Violations |
| 13 | 2. In the course of activities described in Paragraph |
| 14 | 1, above, and during the examination period described in |
| 15 | Paragraph 1, above, Respondent BARTO acted in violation of the |
| 16 | Code and the Regulations as follows: |
| 17 | (A) Failed to maintain a control record in the form of |
| 18 | a columnar record in chronological order of all trust funds |
| 19 | including advance fees received, deposited and disbursed, in |
| 20 | violation of Code Section <u>10145</u> and Regulation <u>2831</u> . |
| 21 | (B) BARTO held some earnest money deposits beyond |
| 22 | three (3) business days following the acceptance of the offer |
| 23 | without first obtaining a written authorization from the |
| 24 | principal, in violation of Code Section 10145 and Regulation |
| 25 | 2832. |
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(C) Failed to include the broker or salesperson
license identification number of the buyer's agent on some
purchase agreement and deposit receipts, in violation of Code
Section <u>10140.6(b)</u>.

5 (D) BARTO conducted real estate activities using the 6 fictitious business names "Leisure Living Resales, Inc.", "LLR" 7 and "Mr. Hank and Associates" without first obtaining a license 8 from the Department bearing such fictitious business names, in 9 violation of Code Section 10159.5 and Regulation 2731.

10 BARTO used an exclusive authorization to sell form (E) 11 while doing business as Leisure Living Resales that did not 12 include a real estate commission notice requirement statement which noted: "The amount or rate of real estate commissions is 13 not fixed by law. They are set by each broker individually and 14 may be negotiable between the seller and broker" immediately 15 preceding any provision of such agreement relating to 16 17 compensation of the licensee, in violation of Code Section 10147.5(a). 18

(F) Failed to notify the Department regarding the
employment status of salesperson Hector Salvador Esquer in a
timely manner, in violation of Code Section <u>10161.8</u> and
Regulation <u>2752</u>.

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Audit LA 100093

3. On January 31, 2011, the Department completed an
audit examination of the books and records of Respondent BARTO's
dbas Leisure Living Resales and Senior Living 55+ Real Estate

- 6 -

Properties pertaining to the real estate activities, which require a real estate license. The audit examination covered a period of time beginning on January 8, 2009 to August 31, 2010. The audit examination revealed violations of the Code and the Regulations as set forth in the following paragraphs, and more fully discussed in Audit Report LA 100093 and the exhibits and work papers attached to said Audit Report.

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TRUST ACCOUNT

At all times mentioned, in connection with the 9 4. activities described in Paragraph 3, above, BARTO accepted or 10 received funds including funds in trust ("trust funds") from or 11 on behalf of actual or prospective parties to transactions 12 including buyers, sellers, lenders and borrowers handled by BARTO 13 and thereafter made deposits and or disbursements of such funds. 14 From time to time herein mentioned during the audit period, said 15 trust funds were deposited and/or maintained by BARTO in the bank 16 account as follows: 17

18 "Mr. Hank Leisure World Resales Inc. dba Leisure World Resales 19 Escrow Bank Account ("escrow trust account") XXXX9713"

20 Pacific Premier Bank

21 Seal Beach, California

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Violations

5. In the course of activities described in Paragraphs and 4, above, and during the examination period described in Paragraph 3, Respondent BARTO acted in violation of the Code and the Regulations as follows:

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Permitted, allowed or caused the disbursement of 1 (A) 2 trust funds from the escrow trust account, where the disbursement 3 of funds reduced the total of aggregate funds in the escrow trust account, to an amount which, on August 31, 2010, was \$2,607.21, 4 5 less than the existing aggregate trust fund liability of BARTO to every principal who was an owner of said funds, without first 6 obtaining the prior written consent of the owners of said funds, 7 8 as required by Code Section 10145 and Regulations 2832.1 and The shortage was caused by a negative balance totaling 9 2951. 10 \$1,539.93, bank charges totaling \$809.79 and unidentified 11 shortage of \$257.49.

(B) Failed to maintain a control record in the form of
a columnar record in chronological order of all trust funds
including advance fees received, deposited and disbursed, in
violation of Code Section 10145 and Regulations 2831 and 2951.

(C) Failed to maintain a separate record for each
beneficiary or transaction, thereby failing to account for all
advance fees collected, in violation of Code Section 10145 and
Regulations <u>2831.1</u> and 2951.

(D) Failed to establish and maintain a trust account
at a bank or other recognized financial institution in the name
of the broker for deposit of escrow trust funds collected by
Respondent BARTO, in violation of Code Section 10145 and
Regulations 2832(e) and 2951.

(E) Failed to maintain a written monthly reconciliation of the receipts and disbursements record and the

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1 total balance of separate beneficiary records for trust account, 2 in violation of Code Section 10145 and Regulations <u>2831.2</u> and 3 2951.

(F) BARTO authorized Marianne Foss, an unlicensed
person, to sign and make withdrawals from BARTO's trust account
without fidelity bond coverage, in violation of Code Section
10145 and Regulations <u>2834</u> and 2951.

(G) BARTO conducted escrow activities using the
fictitious business names "Leisure Living Resales, Inc." and "Mr.
Hank Leisure World Resales, Inc." without first obtaining a
license from the Department bearing such fictitious business
names, in violation of Code Section <u>10159.5</u> and Regulation <u>2731</u>.

(H) BARTO provided borrowers with escrow instructions under the unlicensed fictitious business name "Leisure Living Resales, Inc." that failed to contain a statement which included the name of the department or agency issuing the license or authority under which BARTO was operating, in violation of Financial Code Section 17403.4.

(I) BARTO failed to exercise reasonable control and
supervision over the activities conducted on behalf of Leisure
Living Resales and its licensees and employees as necessary to
secure full compliance with the Real Estate Law, in violation of
Code Section 10177(h) and Regulation 2725.

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| 2 | ORDER |
| 3 | WHEREFORE, THE FOLLOWING ORDER is hereby made: |
| 4 | 1. All licenses and licensing rights of Respondent |
| 5 | HENDRIK JAN BARTO under the Real Estate Law are suspended for a |
| 6 | period of thirty (30) days from the effective date of this |
| 7 | Decision; provided, however, that thirty (30) days of said |
| 8 | suspension shall be stayed for two (2) years upon the following |
| 9 | terms and conditions: |
| 10 | 2. Respondent shall obey all laws, rules and |
| 11 | regulations governing the rights, duties and responsibilities of |
| 12 | a real estate licensee in the State of California. |
| 13 | 3. The Commissioner may, if a final subsequent |
| 14 | determination is made, after hearing or upon stipulation, that |
| 15 | cause for disciplinary action occurred during the term of the |
| 16 | suspension provided for in condition "1", vacate and set aside |
| 17 | the stay order including any further stay imposed pursuant to |
| 18 | Section 10175.2. Should no order vacating the stay be made |
| 19 | pursuant to this condition or condition "4" below, the stay |
| 20 | imposed herein shall become permanent. |
| 21 | 4. Pursuant to Section 10148 of the Business and |
| 22 | Professions Code, Respondent shall pay the Commissioner's |
| 23 | reasonable cost for: a) the audits which led to this disciplinary |
| 24 | action and b) a subsequent audit to determine if Respondent has |
| 25 | corrected the trust fund violations found in paragraphs 2 and 5 |
| 26 | of the Determination of Issues. The cost of the audits which led |
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to this disciplinary action is \$8,456.00. In calculating the 1 amount of the Commissioner's reasonable cost, the Commissioner 2 may use the estimated average hourly salary for all persons 3 performing audits of real estate brokers, and shall include an 4 allocation for travel costs, including mileage, time to and from 5 the auditor's place of work and per diem. Said amount for the 6 prior and subsequent audits shall not exceed \$8,456.00 each. 7 Respondent shall pay such cost within 60 days of receiving an 8 invoice from the Commissioner detailing the activities performed 9 during the audit and the amount of time spent performing the 10 activities. The Commissioner may, in her discretion, vacate and 11 set aside the stay order, if payment is not timely made as 12 provided for herein, or as provided for in a subsequent agreement 13 between the Respondent and the Commissioner. The vacation and 14 the set aside of the stay shall remain in effect until payment is 15 made in full, or until Respondent enters into an agreement 16 satisfactory to the Commissioner to provide for payment. Should 17 no order vacating the stay be issued, either in accordance with 18 this condition or condition "3", the stay imposed herein shall 19 20 become permanent.

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5. All licenses and licensing rights of Respondent

HENDRIK JAN BARTO are indefinitely suspended unless or until
Respondent provides proof satisfactory to the Commissioner, of
having taken and successfully completed the continuing education
course on trust fund accounting and handling specified in
paragraph (3) of subdivision (a) Section 10170.5 of the Business

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and Professions Code. Proof of satisfaction of this requirement includes evidence that Respondent has successfully completed the trust fund account and handling continuing education course within 120 days prior to the effective date of the Decision in this matter.

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DATED:

10:25-11

LISSETE GARCIA Counsel for Complainant

I have read the Stipulation and Agreement, have 10 discussed it with my counsel, and its terms are understood by me 11 and are agreeable and acceptable to me. I understand that I am 12 waiving rights given to me by the California Administrative 13 Procedure Act (including but not limited to Sections 11506, 14 11508, 11509 and 11513 of the Government Code), and I willingly, 15 intelligently and voluntarily waive those rights, including the 16 17 right of requiring the Commissioner to prove the allegations in 18 the Accusation at a hearing at which I would have the right to 19 cross-examine witnesses against me and to present evidence in 20 defense and mitigation of the charges.

Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by faxing a copy of the signature page, as actually signed by Respondent, to the Department at fax number (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically

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sending to the Department a fax copy of his actual signature as 1 it appears on the Stipulation and Agreement, that receipt of the 2 faxed copy by the Department shall be as binding on Respondent as 3 if the Department had received the original signed Stipulation 4 and Agreement. 5 DATED: 10-07-2011 6 HENDRIK JAN BARTO, Respondent 7 I have reviewed the Stipulation and Agreement as to 8 form and content and have advised my client accordingly. 9 10 DATED: /0 Α. NEAVEL KE 11 Attorney for Respondent 12 13 The foregoing Stipulation and Agreement is hereby 14 adopted as my Decision in this matter and shall become effective 15 at 12 o'clock noon on January 20, 2012. 16 IT IS SO ORDERED 17 18 BARBARA J. BIGBY Acting Real Estate Commissioner 19 20 21 22 23 24 25 26 27 - 13 -

| | LISSETE GARCIA, SBN 211522 Department of Real Estate 320 West 4th Street, Ste. 350 Los Angeles, California 90013-1105 |
|---|--|
| | Telephone: (213) 576-6914 (direct) -or- (213) 576-6982 (office) By |
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| | BEFORE THE DEPARTMENT OF REAL ESTATE |
| | STATE OF CALIFORNIA |
| | * * * |
| | In the Matter of the Accusation of No. H-37360 LA |
| | HENDRIK JAN BARTO, $A \subseteq C \sqcup S \land T \amalg O \square$ |
| | Respondent. |
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| | The Complainant, Maria Suarez, a Deputy Real Estate |
| | Commissioner of the State of California, for cause of Accusation |
| | against HENDRIK JAN BARTO, alleges as follows: |
| | 1. |
| | The Complainant, Maria Suarez, acting in her official |
| | capacity as a Deputy Real Estate Commissioner of the State of |
| | California, makes this Accusation against HENDRIK JAN BARTO. |
| | 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. |
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3. 1 From April 14, 1998 through the present, Respondent 2 HENDRIK JAN BARTO ("BARTO") has been licensed by the Department 3 of Real Estate ("Department") as a real estate broker. At all Δ times relevant herein, Respondent BARTO was licensed to do 5 business as Leisure Living Resales, Leisure World Resales of 6 Seal Beach, Leisure World-Rossmoor Resales Co., Leisure World 7 Sales Office of Seal Beach and Senior Living 55+ Real Estate. 8 4. 9 At all times mentioned, in the State of California, 10 Respondent BARTO engaged in the business of a real estate broker 11 conducting licensed activities within the meaning of: 12 A. Code Section 10131(a). BARTO operated a 13 residential resale brokerage. 14 B. Code Section 10131(d). BARTO operated a mortgage 15 and loan brokerage; and 16 In addition, BARTO conducted broker-controlled С. 17 escrows through its escrow division, under the exemption set 18 forth in California Financial Code Section 17006(a)(4) for real 19 estate brokers performing escrows incidental to a real estate 20 transaction where the broker was a party and where the broker 21 was performing acts for which a real estate license is required. 22 Audit LA 100063 23 5. 24 On November 29, 2010, the Department completed an 25 audit examination of the books and records of Respondent BARTO's 26 dbas Leisure Living Resales and Senior Living 55+ Real Estate 27

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Properties pertaining to the real estate activities described in 1 Paragraph 4, which require a real estate license. The audit 2 examination covered a period of time beginning on September 7, 3 2007 to August 31, 2010. The audit examination revealed 4 violations of the Code and the Regulations as set forth in the 5 following paragraphs, and more fully discussed in Audit Report 6 LA 100063 and the exhibits and work papers attached to said 7 Audit Report. 8

6.

Violations

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In the course of activities described in Paragraph 4, above, and during the examination period described in Paragraph 5, Respondent BARTO acted in violation of the Code and the Regulations as follows:

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

(B) BARTO held some earnest money deposits beyond three (3) business days following the acceptance of the offer without first obtaining a written authorization from the principal, in violation of Code Section 10145 and Regulation 23 2832.

(C) Failed to include the broker or salesperson
license identification number of the buyer's agent on some
purchase agreement and deposit receipts, in violation of Code
Section 10140.6(b).

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(D) BARTO conducted real estate activities using the
fictitious business names "Leisure Living Resales, Inc.", "LLR"
and "Mr. Hank and Associates" without first obtaining a license
from the Department bearing such fictitious business names, in
violation of Code Section 10159.5 and Regulation 2731.

BARTO used an exclusive authorization to sell (E) form while doing business as Leisure Living Resales that did not include a real estate commission notice requirement statement which noted: "The amount or rate of real estate commissions is not fixed by law. They are set by each broker individually and may be negotiable between the seller and broker" immediately preceding any provision of such agreement relating to compensation of the licensee, in violation of Code Section 10147.5(a).

(F) Failed to notify the Department regarding the employment status of salesperson Hector Salvador Esquer in a timely manner, in violation of Code Section 10161.8 and Regulation 2752.

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Disciplinary Statutes

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7.

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

| PARAGRAPH | PROVISIONS VIOLATED |
|-----------|--|
| 6(A) | Code Section 10145 and Regulation 2831 |
| 6(B) | Code Section 10145 and Regulation 2832 |
| 6(C) | Code Section 10140.6(b) |
| 6 (D) | Code Section 10159.5 and Regulation 2731 |
| 6(E) | Code Section 10147.5(a) |
| 6(F) | Code Section 10161.8 and Regulation 2752 |

The foregoing violations constitute cause for the suspension or revocation of the real estate license and license rights of Respondent BARTO, as aforesaid, under the provisions of Code Sections 10177(d) for violation of the Real Estate Law, 10177(h) for failure to exercise reasonable supervision and/or 10177(g) for negligence.

Audit LA 100093

8.

On January 31, 2011, the Department completed an audit examination of the books and records of Respondent BARTO's dbas Leisure Living Resales and Senior Living 55+ Real Estate Properties pertaining to the real estate activities described in Paragraph 4, which require a real estate license. The audit

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1 examination covered a period of time beginning on January 8, 2 2009 to August 31, 2010. The audit examination revealed 3 violations of the Code and the Regulations as set forth in the 4 following paragraphs, and more fully discussed in Audit Report 5 LA 100093 and the exhibits and work papers attached to said 6 Audit Report.

TRUST ACCOUNT

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At all times mentioned, in connection with the activities 9 described in Paragraph 8, above, BARTO accepted or received 10 funds including funds in trust (hereinafter "trust funds") from 11 or on behalf of actual or prospective parties to transactions 12 including buyers, sellers, lenders and borrowers handled by 13 BARTO and thereafter made deposits and or disbursements of such 14 funds. From time to time herein mentioned during the audit 15 period, said trust funds were deposited and/or maintained by 16 BARTO in the bank account as follows: 17 "Mr. Hank Leisure World Resales Inc. dba Leisure World Resales 18

19 Escrow Bank Account ("escrow trust account") XXXX9713"

20 || Pacific Premier Bank

21 Seal Beach, California

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10.

Violations

In the course of activities described in Paragraphs 4 and 9, above, and during the examination period described in Paragraph 8, Respondent BARTO acted in violation of the Code and the Regulations as follows:

- 6 -

Permitted, allowed or caused the disbursement of 1 (A) trust funds from the escrow trust account, where the 2 disbursement of funds reduced the total of aggregate funds in 3 the escrow trust account, to an amount which, on August 31, 4 2010, was \$2,607.21, less than the existing aggregate trust fund 5 liability of BARTO to every principal who was an owner of said 6 funds, without first obtaining the prior written consent of the 7 owners of said funds, as required by Code Section 10145 and 8 Regulations 2832.1 and 2951. The shortage was caused by a 9 negative balance totaling \$1,539.93, bank charges totaling 10 \$809.79 and unidentified shortage of \$257.49. 11

(B) Failed to maintain a control record in the form
of a columnar record in chronological order of all trust funds
including advance fees received, deposited and disbursed, in
violation of Code Section 10145 and Regulations 2831 and 2951.

(C) Failed to maintain a separate record for each
beneficiary or transaction, thereby failing to account for all
advance fees collected, in violation of Code Section 10145 and
Regulations 2831.1 and 2951.

(D) Failed to establish and maintain a trust account
at a bank or other recognized financial institution in the name
of the broker for deposit of escrow trust funds collected by
Respondent BARTO, in violation of Code Section 10145 and
Regulations 2832(e) and 2951.

(E) Failed to maintain a written monthly
reconciliation of the receipts and disbursements record and the
total balance of separate beneficiary records for trust account,

- 7 -

1 in violation of Code Section 10145 and Regulations 2831.2 and 2 2951.

(F) BARTO authorized Marianne Foss, an unlicensed
person, to sign and make withdrawals from BARTO's trust account
without fidelity bond coverage, in violation of Code Section
10145 and Regulations 2834 and 2951.

(G) BARTO conducted escrow activities using the
fictitious business names "Leisure Living Resales, Inc." and
"Mr. Hank Leisure World Resales, Inc." without first obtaining a
license from the Department bearing such fictitious business
names, in violation of Code Section 10159.5 and Regulation 2731.

(H) BARTO provided borrowers with escrow instructions under the unlicensed fictitious business name "Leisure Living Resales, Inc." that failed to contain a statement which included the name of the department or agency issuing the license or authority under which BARTO was operating, in violation of Financial Code Section 17403.4.

(I) BARTO failed to exercise reasonable control and
supervision over the activities conducted on behalf of Leisure
Living Resales and its licensees and employees as necessary to
secure full compliance with the Real Estate Law, in violation of
Code Section 10177(h) and Regulation 2725.

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Disciplinary Statutes

11.

The conduct of Respondent BARTO described in Paragraph

6, above, violated the Code and the Regulations as set forth

5 || below:

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| PARAGRAPH | PROVISIONS VIOLATED |
|-----------|---|
| 10(A) | Code Section 10145 and Regulations 2832.1 |
| | and 2951 |
| 10(B) | Code Section 10145 and Regulations 2831 |
| | and 2951 |
| 10(C) | Code Section 10145 and Regulations 2831.1 |
| | and 2951 |
| 10(D) | Code Section 10145 and Regulations 2832(e) |
| 10(2) | and 2951 |
| 10(E) | Code Section 10145 and Regulations 2831.2 |
| 10(E) | and 2951. |
| | |
| 10(F) | Code Section 10145 and Regulations 2834 and 2951. |
| | |
| 10(G) | Code Section 10159.5 and Regulation 2731 |
| | |
| 10(H) | Financial Code Section 17403.4 |
| | |
| 10(I) | Code Section 10177(h) and Regulation 2725 |
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| | |
| | ne foregoing violations constitute cause for |

The foregoing violations constitute cause for the suspension or revocation of the real estate license and license rights of Respondent BARTO, as aforesaid, under the provisions of Code Sections 10177(d) for violation of the Real Estate Law, 10177(h) for failure to exercise reasonable supervision and/or

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1 ||10177(g) for negligence.

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 all licenses and/or license rights of Respondent 5 HENDRIK JAN BARTO, under the Real Estate Law (Part 1 of Division 6 4 of the Business and Professions Code) and for such other and 7 further relief as may be proper under other applicable 8 provisions of law. 9 10 Dated at Los Angeles, California 11 day of this / 2011 12 13 MAF SUAREZ Ά 14 Deputy Real Estate Commissioner 15 16 17 18 19 20 21 22 23 Hendrik Jan Barto cc: 24 Maria Suarez Sacto 25 Audits - Chona T. Soriano 26 27 - 10 -