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AUG 09 2012

DEPARTMENT OF REAL ESTATE
BY: *Guadalupe Valencia*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-38014 LA
)	
ALPHA REALTY INC; and DENNIS)	
FRED MC BRIDE, individually and)	
as designated officer of Alpha)	
Realty 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 June 7, 2012, and the findings of fact set forth herein are based on one or more of the following: (1) Respondents Alpha Realty Inc's ("ALPHA") and DENNIS FRED MC BRIDE's ("MC BRIDE") express admissions; (2) affidavits; and (3) Department Audit Report LA 100145 and (4) other evidence.

FACTUAL FINDINGS

1.

On March 29, 2012, Maria Suarez made the Accusation in her official capacity as a Deputy Real

Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed by certified and regular mail, to Respondents' last known mailing address on file with the Department of Real Estate ("Department") on April 3, 2012. The packet was served on another known address of Respondents on April 18, 2012.

2.

On June 7, 2012, no Notice of Defense having been filed by ALPHA or MC BRIDE within the time prescribed by Section 11506 of the Government Code, Respondents' defaults were entered herein.

LICENSE HISTORY

3.

ALPHA presently has license rights with the Department as a corporate real estate broker. ALPHA was initially licensed as a corporate real estate broker on May 14, 2004.

At all times mentioned, MC BRIDE was licensed and/or had license rights issued by the Department as a real estate broker.

From May 14, 2008, through the present, ALPHA was licensed by the Department as a corporate real estate broker by and through MC BRIDE, as the designated officer and broker responsible, pursuant to Code Section 10159.2 for supervising the activities requiring a real estate license conducted on behalf of ALPHA or by ALPHA's officers, agents and employees.

BROKERAGE

4.

At all times mentioned, in the City of Riverside, County of Riverside, ALPHA and MC BRIDE acted as real estate brokers conducting licensed activities within the meaning of Code Section 10131(a): selling or buying real property for others.

AUDIT

5.

On May 4, 2011, the Department completed an audit examination of the books and records of ALPHA and MC BRIDE

pertaining to the activities described in Paragraph 4 which require a real estate license. The audit examination covered a period of time from January 1, 2009 to March 31, 2011. The audit examination revealed violations of the Code and the Regulations as set forth in the following paragraphs, and as more fully discussed in Audit Report LA 100145 and the exhibits and workpapers attached to said audit report.

VIOLATIONS

6.

In the course of activities described in Finding 4 above, and during the examination period described in Finding 5, Respondents ALPHA and MC BRIDE acted in violation of the Code and the Regulations in as follows:

(a) ALPHA collected Earnest Money Deposit (EMD) checks after offers were made, despite statements in "California Residential Purchase Agreement and Joint Escrow Instructions" that the EMDs were in ALPHA's possession, in violation of Code Section 10176(a).

(b) ALPHA's agents held EMD checks for more than three (3) business days after acceptance of the offer, without obtaining written authorization from the buyers, in violation of Code Section 10145 and Regulation 2832.

(c) The original license certificates for six (6) salespersons were not retained at ALPHA's main office and were not made available for inspection, in violation of Code Section 10160 and Regulation 2753.

(d) ALPHA did not maintain a Broker-Salesman Relationship Agreement with six (6) salespersons, in violation of Regulation 2726.

(e) The Residential Listing Agreements contained in the examined files did not always have a definite, specified termination date, in violation of Code Section 10176(f).

(f) MC BRIDE did not exercise reasonable control and supervision over the activities conducted by ALPHA, in violation of Code Sections 10159.2, 10177(h) and Regulation 2725.

DETERMINATION OF ISSUES

1.

The conduct, acts and/or omissions of Respondent ALPHA as described in Finding 6 herein above, is in violation of Code Sections 10176(a), 10145, 10160, 10176(f) and Regulations 2832, 2753 and 2726 and is cause for disciplinary action pursuant to Code Sections 10176(a), 10176(f), 10177(d) and 10177(g).

2.

The conduct, acts and/or omissions of Respondent MC BRIDE, as described in Finding 6 above, is in violation of Code Sections 10176(a), 10145, 10159.2, 10160, 10176(f) and 10177(h) and Regulations 2832, 2753, 2726 and 2725 and is cause for disciplinary action pursuant to Code Sections 10176(a), 10176(f), 10177(h), 10177(d) and 10177(g).

3.

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

ORDER

The real estate licenses and license rights of Respondents ALPHA REALTY INC and DENNIS FRED MC BRIDE 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 AUG 29 2012, 2012

DATED: July 18, 2012

Real Estate Commissioner


By WAYNE S. BELL
Chief Counsel

1 Department of Real Estate
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3 Los Angeles, CA 90013

4 (213) 576-6982

FILED

JUN 07 2012

DEPARTMENT OF REAL ESTATE
BY: *Dolores Weeks*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) NO. H-38014 LA
12)
13 ALPHA REALTY INC and DENNIS FRED,) DEFAULT ORDER
14 MC BRIDE)
15 Respondent.)
16)

17 Respondents ALPHA REALTY INC and DENNIS FRED MC
18 BRIDE, having failed to file a Notice of Defense within the
19 time required by Section 11506 of the Government Code, are
20 now in default. It is, therefore, ordered that a default be
21 entered on the record in this matter.

22 IT IS SO ORDERED

June 7, 2012
Real Estate Commissioner

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25 By:

Dolores Weeks
DOLORES WEEKS
Regional Manager

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