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FILED

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DEPARTMENT OF REAL ESTATE
BY: _____

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

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|--------------------------------------|----------------------------|
| In the Matter of the Accusation of) | No. H-38337 LA |
|) | |
| JAMIE LYNNE RAMSEY and) | <u>A C C U S A T I O N</u> |
| JOAN A. KINDT,) | |
|) | |
| Respondents.) | |
|) | |

The Complainant, Robin Trujillo, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against JAMIE LYNNE RAMSEY and JOAN A. KINDT (collectively "Respondents"), is informed and alleges as follows:

1.

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

2.

Respondents are presently licensed and/or have license rights under the Real Estate Law (Part 1 of Division 4 of the California Business and Professions Code, "Code").

1 3.

2 From September 10, 1991 through the present,
3 Respondent JAMIE LYNNE RAMSEY ("RAMSEY") has been licensed by the
4 Department of Real Estate ("Department") as a real estate
5 salesperson, license no. 01119817. Respondent RAMSEY was
6 licensed under the employment of broker Builder Intelligence
7 Group, Inc. from February 1, 2008, through September 30, 2008.
8 From October 1, 2008, through December 9, 2008, Respondent
9 RAMSEY was licensed "NBA" - non-working status as RAMSEY had no
10 broker affiliation. From December 10, 2008, through the present,
11 RAMSEY has been licensed under the employment of Respondent JOAN
12 A. KINDT.
13

14 4.

15 From July 30, 1990 through the present, Respondent
16 JOAN A. KINDT ("KINDT") has been licensed by the Department as
17 areal estate broker, license no. 00662436.
18

19 FIRST CAUSE OF ACCUSATION
(Unlicensed Activity/Misrepresentation)

20 5.

21 Code Section 10132 defines a real estate salesperson
22 as a person who, for compensation or in expectation of
23 compensation, is employed by a licensed real estate broker to do
24 one or more of the acts set forth in Sections 10131, 10131.1,
25 10131.2, 10131.3, 10131.4, and 10131.6. Code Section 10131
26 defines a real estate broker as a person who: (b) leases or
27 rents or offers to lease or rent, or places for rent, or
28 solicits listings of places for rent, or solicits for

1 prospective tenants, or negotiates the sale, purchase or
2 exchanges or leases on real property, or on a business
3 opportunity, or collects rents from real property, or
4 improvements thereon, or from business opportunities.

5 6.

6 At all times relevant herein, Real Property Management
7 Goldcoast ("RPMG") was not licensed in any capacity by the
8 Department. RPMG is a California corporation formed on or about
9 November 22, 2010. Respondent RAMSEY is the president and
10 director for RPMG.

11 7.

12 Within the three year period prior to filing this
13 Accusation, Respondents, while doing business as RPMG, solicited
14 and offered to perform property management services on the
15 website: www.realpropertygoldcoast.com. The website failed to
16 disclose the real estate license identification number for
17 Respondents. RPMG continues to advertise real property
18 management services using the main business address of 4215
19 Tierra Rejada Rd., Suite 222, Moorpark, California 93021.

20 8.

21 Within the three year period prior to filing this
22 Accusation, Respondents, while doing business as RPMG, solicited
23 and offered to perform property management services for others,
24 including Andrew and Danielle B. Andrew and Danielle B. entered
25 into a written agreement for RPMG to manage Andrew and Danielle
26 B.'s real property located at 4573 Alamo Street, Unit B, Simi
27 Valley, California ("subject property"). Respondent RAMSEY
28 terminated RPMG's property management agreement with Andrew and

1 Danielle B. on December 27, 2009. Upon termination of the
2 agreement, Respondent RAMSEY made the misrepresentation to
3 Andrew and Danielle B. that a \$1,100 deposit from the former
4 tenant of the subject property was applied towards repairs to
5 return the subject property to "move-in condition" for a new
6 tenant. Thereafter, Andrew and Danielle B. discovered that the
7 subject property had not been returned to a "move-in condition"
8 by RPMG. RAMSEY failed to provide Andrew and Danielle B. with
9 an accounting of any repairs or payments for repairs made to the
10 subject property.

11 9.

12 In response to an inquiry from the Department,
13 Respondent KINDT claimed that RPMG's activities were rendered
14 under her broker license. An investigator for the Department
15 traveled to 4215 Tierra Rejada Rd., Suite 222, Moorpark,
16 California, and discovered that the location belongs to "Mail N
17 More", a private mailbox service and is not a physical office
18 location for RPMG.

19 10.

20 The activities described in Paragraph 8, above,
21 require a real estate license under Code Section 10131(b).
22 Respondents RAMSEY and KINDT violated Code Section 10130 by
23 doing business as RPMG, an unlicensed entity, to perform
24 activities requiring a license. Respondents' violation of Code
25 Section 10130 constitutes grounds for the suspension or
26 revocation of the license and license rights of Respondents
27 RAMSEY and KINDT pursuant to Code Section 10177(d) or 10177(g).
28

1 11.

2 The conduct, acts or omissions of Respondent RAMSEY,
3 as set forth in Paragraph 7, above, constitutes grounds for the
4 suspension or revocation of the license and license rights of
5 Respondent RAMSEY pursuant to Code Section 10176(a) (making any
6 substantial misrepresentation).

7
8 SECOND CAUSE OF ACCUSATION
9 (Unlicensed Fictitious Business Name)

10 12.

11 There is hereby incorporated in this Second, separate
12 and distinct Cause of Accusation, all of the allegations
13 contained in Paragraphs 1 through 11, with the same force and
14 effect as if herein fully set forth.

15 13.

16 Real estate brokers are required to apply for a
17 license for use of a fictitious business name pursuant to Code
18 Section 10159.5 and Section 2731 of the California Code of
19 Regulations, Title 10, Chapter 6 ("Regulations").

20 14.

21 The conduct, acts or omissions of Respondent KINDT as
22 set forth in Paragraphs 7, 8, 9, and 13, above, constitute cause
23 to suspend or revoke the real estate license and license rights
24 of Respondent KINDT under the provisions of Code Section
25 10177(d) and/or 10177(g) for violation of Code Section 10159.5
26 and Regulation 2731.
27
28

THIRD CAUSE OF ACCUSATION
(Place of Business/Branch Offices)

15.

There is hereby incorporated in this Third, separate and distinct Cause of Accusation, all of the allegations contained in Paragraphs 1 through 14, with the same force and effect as if herein fully set forth.

16.

Code Section 10162 requires real estate brokers to have and maintain a definite place of business in the State of California which shall serve as their office for the transaction of business. No real estate license authorizes the licensee to do business except from the location stipulated in the real estate license as issued or altered pursuant to Code Section 10161.8. Code Section 10163 requires a real estate broker to apply for and procure an additional license for each branch maintained by the broker.

17.

The conduct, acts or omissions of Respondents RAMSEY and KINDT, as set forth in Paragraphs 7 through 9, above, constitute cause to suspend or revoke the real estate license and license rights of Respondent RAMSEY under the provisions of Code Section 10177(d) and/or 10177(g) for violation of Regulation 2715.

18.

The conduct, acts or omissions of Respondent KINDT, as set forth in Paragraphs 7 through 9, above, constitute cause to

1 suspend or revoke the real estate license and license rights of
2 Respondent KINDT under the provisions of Code Section 10177(d)
3 and/or 10177(g) for violation of Code Sections 10162, 10163 and
4 Regulation 2715.

5 FOURTH CAUSE OF ACCUSATION
6 (Failure to Disclose License Identification Number on
7 Solicitation Materials)

8 19.

9 There is hereby incorporated in this Fourth, separate
10 and distinct Cause of Accusation, all of the allegations
11 contained in Paragraphs 1 through 18, with the same force and
12 effect as if herein fully set forth.

13 20.

14 A real estate broker or salesperson, when engaging in
15 acts for which a license is required, shall disclose their real
16 estate license identification number on all solicitation
17 materials intended to be the first point of contact with
18 consumers pursuant to Regulation 2773.

19 21.

20 The conduct, acts or omissions of Respondents RAMSEY
21 and KINDT, as set forth in Paragraphs 7 through 9, above,
22 constitute cause to suspend or revoke the real estate licenses
23 and license rights of Respondents RAMSEY and KINDT under the
24 provisions of Code Sections 10177(d) and/or 10177(g) for
25 violation of Regulation 2773.

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FIFTH CAUSE OF ACCUSATION
(Failure to Supervise)

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22.

There is hereby incorporated in this Fifth, separate and distinct Cause of Accusation, all of the allegations contained in Paragraphs 1 through 21, with the same force and effect as if herein fully set forth.

23.

The conduct, acts and/or omissions of Respondent KINDT, in allowing Respondent RAMSEY to violate the Real Estate Law, as set forth above, constitutes a failure by Respondent KINDT to exercise reasonable supervision over the activities of her salespersons required under Regulation 2725 and is cause to suspend or revoke the real estate license and license rights of Respondent KINDT pursuant to Code Sections 10177(d) and/or 10177(g).

24.


Code Section 10106 provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Department of Real Estate, the Commissioner may request the administrative law judge to direct a licensee found to have committed a violation of this part to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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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 all licenses and/or license rights of Respondents
5 JAMIE LYNNE RAMSEY and JOAN A. KINDT under the Real Estate Law
6 (Part 1 of Division 4 of the Business and Professions Code), for
7 the cost of investigation and enforcement as permitted by law,
8 and for such other and further relief as may be proper under
9 other provisions of law.

10 Dated at Los Angeles, California

11 this 2 day of August , 2012.
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14 
15 ROBIN TRUJILLO
16 Deputy Real Estate Commissioner
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24 cc: Jamie Lynne Ramsey
25 Joan A. Kindt
26 Robin Trujillo
27 Sacto.
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