

CHERYL D. KEILY SBN# 94008
Bureau of Real Estate
320 West 4th Street, Suite 350
Los Angeles, California 90013-1105

Telephone: (213) 576-6982
(Direct) (213) 576-6905

FILED

FEB 23 2016

BUREAU OF REAL ESTATE

By John Aguirre

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of	No. H-40147 LA
MARY JEANNE MUHLESTEIN,	)
	)
	)
	)
Respondent.	)
	)

ACCUSATION

The Complainant, Maria Suarez, a Supervising Special Investigator of the State of California, for cause of Accusation against MARY JEANNE MUHLESTEIN ("Respondent"), and is informed and alleges as follows:

1.

The Complainant, Maria Suarez, a Supervising Special Investigator of the State of California, makes this Accusation in her official capacity.

2.

Respondent is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code, hereinafter "Code") as a real estate broker. Respondent's broker license was first issued on November 25, 2015.

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1 3.

2 At all times relevant herein Respondent was licensed as a real estate salesperson
3 employed under the broker license of Donald Eugene Caldwell ("Caldwell"), doing business as
4 Caldwell Realty. From in or around December, 1992, to November 24, 2015, Respondent was
5 employed by Caldwell. Caldwell had no knowledge of the activities of Respondent alleged
6 herein.

7 4.

8 During at least the period from June 1, 2013, to December 31, 2014, Respondent
9 was engaged in the business of real property management under the fictitious business name
10 "Muhlestein Company," including renting or offering to rent real property and collecting rental
11 payments thereon, on behalf of another or others for compensation, or in the expectation of
12 compensation, within the meaning of Code Section 10131(b).

13 5.

14 On or about June 23, 2013, Respondent executed a month-to-month rental
15 agreement on behalf of the owner of the property at 13457 Murphy Hill Drive, Whittier,
16 California ("Murphy Hill Property").

17 6.

18 On or about June 20, 2013 and July 1, 2013, Respondent collected the total sum
19 of \$1,900 as a security deposit from the tenant of the Murphy Hill Property. From in or around
20 July 1, 2013, to November 3, 2014, Respondent collected monthly rental payments of \$1,850
21 from the tenant. The checks for the security deposit payment and the monthly rental were
22 made payable to Respondent. Respondent deposited the security deposit and all rental
23 payments collected from the tenant into her own bank account under the name "Muhlestein
24 Company," and transmitted the rental payments less her management fee to the owner of the
25 property. Respondent failed to account to her broker, Caldwell, for any portion of the monies
26 collected from the tenant of the Murphy Hill Property, including the property management fee.

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1 7.

2 In addition to the management of the Murphy Hill Property, Respondent also
3 undertook to perform property management activities for three (3) multi-unit apartment
4 complexes, one commercial building and nineteen (19) single family dwellings. All security
5 deposits and rental payment checks collected from the tenants of the foregoing properties were
6 made payable to Respondent and deposited to Respondent's Muhlestein Property account. In
7 each instance the rental payments minus Respondent's management fee were transmitted to
8 the owners of the properties.

9 8.

10 Though Respondent misrepresented to the tenants and her clients that her
11 activities were conducted in association with her broker, Caldwell, Respondent failed to
12 account to her broker, Caldwell, for any of the monies collected from her property
13 management activities.

14 9.

15 Based on the information contained in Paragraphs 3 through 8, inclusive, above,
16 Respondent performed and/or participated in activities which require a real estate broker license
17 under the provisions of Code Section 10131(b) during a period of time when Respondent was
18 not licensed by the Bureau as a real estate broker nor employed as a real estate salesperson by a
19 broker on whose behalf the activities were performed.

20 10.

21 The conduct, acts and/or omissions of Respondent, as set forth, above, violates
22 Code Sections 10130 and 10137 [unlicensed conduct], and Code Sections 10176(a)
23 [misrepresentation], and is cause for the suspension or revocation of the licenses and license
24 rights of Respondent pursuant to Code Section 10177(d) and/or 10177(g).

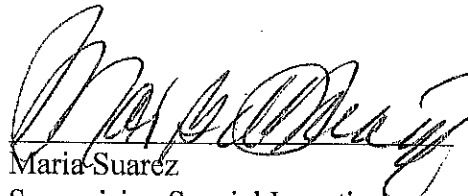
25 Code Section 10106 provides, in pertinent part, that in any order issued in
26 resolution of a disciplinary proceeding before the Bureau, the Commissioner may request the
27

1 administrative law judge to direct a licensee found to have committed a violation of this part to
2 pay a sum not to exceed the reasonable costs of investigation and enforcement of the case.

3 WHEREFORE, Complainant prays that a hearing be conducted on the
4 allegations of this Accusation and that upon proof thereof, a decision be rendered imposing
5 disciplinary action against all the licenses and license rights of Respondent MARY JEANNE
6 MUHLESTEIN under the Real Estate Law, for the cost of investigation and enforcement as
7 permitted by Code Section 10106, and for such other and further relief as may be proper under
8 other applicable provisions of law.

9 Dated at Los Angeles, California

10 this 22nd day of February, 2016.

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13 
14 Maria Suarez
Supervising Special Investigator

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16
17 cc: MARY JEANNE MUHLESTEIN
18 Maria Suarez
Sacto.
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