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FILED

DEC 04 2020

DEPT. OF REAL ESTATE

By *[Signature]*

10
11 DEPARTMENT OF REAL ESTATE
12 STATE OF CALIFORNIA

13 * * * * *

14 In the Matter of the Accusation of) No. H-41838 LA
15 RYAN THOMAS CASSIDY))
16 and))
17))
18 ERIC DOUGLAS WINSLOW,))
19 Respondents.))
20))

21 The Complainant, a Supervising Special Investigator of the State of California, for
22 cause of Accusation against Respondents RYAN THOMAS CASSIDY and ERIC DOUGLAS
23 WINSLOW (collectively, "Respondents"), is informed and alleges as follows:

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27 DRE ACCUSATION: RYAN THOMAS CASSIDY & ERIC DOUGLAS WINSLOW

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1.

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

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.

DRE LICENSE HISTORY

RESPONDENT RES RYAN THOMAS CASSIDY

3.

RYAN THOMAS CASSIDY ("CASSIDY" or "Respondent CASSIDY") is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the Code as a real estate salesperson ("RES"), Department of Real Estate ("Department" or "DRE") license ID 01237149.

4.

According to DRE records to date, CASSIDY was first licensed by the Department as a RES on or about May 1, 1998.

5.

According to DRE records to date, CASSIDY's mailing address of record is: 21731 Ventura Blvd., Ste. 205, Woodland Hills, CA 91364-1849 ("Woodland Hills address") and CASSIDY is presently licensed under real estate broker ("REB") XQB Management, Inc. (DRE license ID 00965994), since October 3, 2019.

6.

According to DRE records to date, CASSIDY's license affiliation history prior to his licensure under XQB Management, Inc. is as follows:

1 A. CASSIDY was licensed under REB ERIC DOUGLAS WINSLOW from
2 February 24, 2014 to May 29, 2017; from January 8, 2018 to May 12, 2018; and from June 4,
3 2018 to October 2, 2019.

4 B. CASSIDY did not have a REB of record and was, for DRE purposes, "NBA"
5 ("no broker affiliation") for the periods: May 30, 2017 through and including January 7, 2018,
6 and May 13, 2018 through and including June 3, 2018.

7 7.

8 According to DRE records to date, CASSIDY's license will expire on May 16,
9 2022.

10 8.

11 At all times mentioned herein, Respondent CASSIDY engaged in the performance
12 of activities requiring a real estate license pursuant to Code Section 10130.

13 **RESPONDENT ERIC DOUGLAS WINSLOW ("WINSLOW")**

14 9.

15 ERIC DOUGLAS WINSLOW ("WINSLOW" or "Respondent WINSLOW") is
16 presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the
17 Code as a REB, DRE license ID 00779393.

18 10.

19 According to DRE records to date, WINSLOW was first licensed by the
20 Department as a RES on July 2, 1984 and as a REB on or about December 20, 1990.

21 11.

22 According to DRE records to date, WINSLOW's mailing and main address of
23 record are the same: 1534 Moorepark Rd., Ste. 144, Thousand Oaks, CA 91360 ("Thousand
24 Oaks address"); WINSLOW has one (1) RES under his REB license, Michael John Belfiore
25 (DRE license ID 02017330); and WINSLOW has no active DBAs under his REB license.
26

1 12.

2 According to DRE records to date, WINSLOW's license will expire on
3 September 13, 2021.

4 13.

5 At all times mentioned herein, Respondent WINSLOW engaged in the
6 performance of activities requiring a real estate license pursuant to Code Section 10130, and
7 acted and ordered, caused, authorized or participated in licensed activities within the meaning of
8 Code Section 10131.

9 **ENTITIES NOT LICENSED BY THE DRE**

10 14.

11 Ryan Cassidy, Inc. is not, and has never been, licensed by the DRE in any
12 capacity.

13 15.

14 Ryan T. Cassidy Inc. is not, and has never been, licensed by the DRE in any
15 capacity.

16 16.

17 Ryan Cassidy RCI Group, LLC is not, and has never been, licensed by the DRE in
18 any capacity.

19 17.

20 RCIGroup, LLC is not, and has never been, licensed by the DRE in any capacity.

21 18.

22 RCMAGroup, LLC is not, and has never been, licensed by the DRE in any
23 capacity.

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1 22.

2 According to Chicago escrow instructions regarding "Commission - Seller" dated
3 August 22, 2017, "Ryan Cassidy RCI Group, LLC" was to be paid \$49,500.00 upon the close of
4 escrow on the subject property. CASSIDY was licensed NBA on August 22, 2017. RCIG was
5 not a licensed DBA on August 22, 2017.

6 23.

7 According to CASSIDY, Buyer had already purchased a property on the same
8 street as the subject party when he asked CASSIDY to contact owners in the vicinity regarding
9 possible interest in selling their properties. CASSIDY contacted one of the owners of the subject
10 property to gauge selling interest and presented the March 29, 2017 LOI as signed by Buyer.
11 According to CASSIDY, one month after his presentation of the LOI, Seller indicated that she
12 and her co-owners would sell the subject property for \$825,000, at which point CASSIDY
13 drafted and submitted a Residential Purchase Agreement ("offer") to Seller. Upon Seller's
14 acceptance of the offer (July 15, 2017), Seller's attorney chose Chicago Title Company to handle
15 title and escrow and escrow was opened with Monique Ramirez of Chicago Title. According to
16 CASSIDY, on November 20, 2017, he received a call from Chicago that escrow could not close
17 due to a title issue.

18 WINSLOW'S Thousand Oaks Address of Record

19 24.

20 On or about August 14, 2019, DRE Special Investigator Jesus Munoz drove to
21 WINSLOW's Thousand Oaks address of record on file with the DRE and observed that the
22 location is a UPS store.

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1 CASSIDY Transaction Files

2 25.

3 On or about March 21, 2019, in response to the DRE's August 23, 2018 request
4 for CASSIDY's broker-salesperson agreement with WINSLOW and CASSIDY's transaction
5 files for the three (3) year period up to and including the date of the DRE's request, the DRE
6 received nine (9) transaction files and no broker-salesperson agreement between WINSLOW and
7 CASSIDY. According to the files produced, RES CASSIDY represented himself as a REB with
8 unlicensed DBAs including, but not limited to "RCIGroup, LLC" ("RCIG"), Ryan T. Cassidy,
9 Inc. ("RTIC"), and RMCAGroup, LLC ("RMCAG"), and prepared escrow instructions, including
10 commission payment instructions, directed to Mosaic Escrow Inc, North American Title
11 Company and Fidelity National Title Company, to pay commission to himself, RCIG, RTIC,
12 and/or RMCAG at the Woodland Hills address, for real estate sales transactions relating to
13 properties located at:

- 14 A. 600 N. Humboldt Ave., Willows, CA (6/21/18 commission payment
15 instructions);
- 16 B. 1267 E. Meta Street, Ventura, CA (10/11/18 purchase agreement and 11/15/18
17 commission instructions);
- 18 C. 437 East Avenue Q7, Palmdale, CA (4/20/17 cooperating broker
19 compensation and escrow instruction; 4/21/17 purchase agreement; and 5/3/17
20 commission instructions);
- 21 D. 38652 11th St. East, Palmdale, CA (10/28/16 purchase agreement);
- 22 E. 211 W. San Carlos Way, Stockton, CA (12/12/18 commission demand);
- 23 F. 230 W. Benjamin Holt Drive, Stockton, CA (12/12/18 commission demand);
- 24 G. 302 W. Benjamin Holt Drive, Stockton, CA (8/13/18 purchase agreement and
25 12/12/18 commission demand);
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- 27

DRE ACCUSATION: RYAN THOMAS CASSIDY & ERIC DOUGLAS WINSLOW

- 1 H. 522 East Avenue Q5, Palmdale, CA (2/19/18 purchase agreement; 3/1/18
2 commission clarification/disbursement instructions; 3/2/18 commission
3 clarification/disbursement instructions; and 3/8/18 settlement statement); and
4 I. 38521 5th Street East, Palmdale, CA (2/19/18 purchase agreement).

5 CASSIDY Transactions with Mosaic Escrow Inc.

6 26.

7 On or about May 6, 2019, the DRE received escrow files from Mosaic Escrow Inc
8 (“Mosaic”), pertaining to CASSIDY’s transactions, as described in Paragraph 25, above.

9 According to the Mosaic escrow files, RES CASSIDY represented himself as the REB of buyers
10 and sellers; issued instructions to escrow; demanded and received commission/compensation
11 through unlicensed DBAs and instructed that said commission/compensation be wired into Wells
12 Fargo Bank account number #####7164, routing number #####0248 in the following
13 transactions:

- 14 A. 600 N. Humboldt Ave., Willows, CA (6/28/18 e-mail commission payment
15 instructions; 6/25/18 signed commission payment instructions and 6/29/18
16 final settlement statement);
17 B. 1267 E. Meta Street, Ventura, CA (10/11/18 purchase agreement; 11/7/18
18 signed contingency removal; 11/15/18 commission payment instructions; and
19 11/21/18 final settlement statement);
20 C. 437 E. Ave Q7, Palmdale, CA (4/28/17 purchase agreement; 5/3/17
21 commission payment instructions; and 6/1/17 final settlement statement); and
22 D. 38652 11th Street East, Palmdale, CA (11/1/16 purchase agreement and 4/5/17
23 final settlement statement).

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1 collects rents from real property, or improvements thereon, or from business
2 opportunities.

3 (c) Assists or offers to assist in filing an application for the purchase or lease of,
4 or in locating or entering upon, lands owned by the state or federal government.

5 (d) Solicits borrowers or lenders for or negotiates loans or collects payments or
6 performs services for borrowers or lenders or note owners in connection with
7 loans secured directly or collaterally by liens on real property or on a business
8 opportunity.

9 (e) Sells or offers to sell, buys or offers to buy, or exchanges or offers to exchange
10 a real property sales contract, or a promissory note secured directly or collaterally
11 by a lien on real property or on a business opportunity, and performs services for
12 the holders thereof.”

13 **Unlawful Employment or Payment of Compensation - Code Section 10137**

14 31.

15 Pursuant to Code Section 10137 *Unlawful Employment or Payment of*
16 *Compensation - Penalty*, “It is unlawful for any licensed real estate broker to employ or
17 compensate, directly or indirectly, any person for performing any of the acts within the scope of
18 this chapter who is not a license real estate broker, or a real estate salesperson licensed under the
19 broker employing or compensating him or her, or to employ or compensate, directly or indirectly,
20 any licensee for engaging in any activity for which a mortgage loan originator license
21 endorsement is required, if that licensee does not hold a mortgage loan originator license
22 endorsement; provided, however, that a licensed real estate broker may pay a commission to a
23 broker of another state. No real estate salesperson shall be employed by or accept compensation
24 for activity requiring a real estate license from any person other than the broker under whom he
25 or she is at the time licensed. It is unlawful for any licensed real estate salesperson to pay any
26

1 compensation for performing any of the acts within the scope of this chapter to any real estate
2 licensee except through the broker under whom he or she is at the time licensed. For a violation
3 of any of the provisions of this section, the commissioner may temporarily suspend or
4 permanently revoke the license of the real estate licensee, in accordance with the provisions of
5 this part relating to hearings.”

6 **Broker Supervision – Code Section 10159.2 and Regulation 2725**

7 32.

8 Pursuant to Code Section 10159.2 *Responsibility of Corporate Officer in Charge:*

9 “(a) The officer designated by a corporate broker licensee pursuant to Section
10 10211 shall be responsible for the supervision and control of the activities conducted on behalf
11 of the corporation by its officers and employees as necessary to secure full compliance with the
12 provisions of this division, including the supervision of salespersons licensed to the corporation
13 in the performance of acts for which a real estate license is required.

14 (b) A corporate broker licensee that has procured additional licenses in accordance
15 with Section 10158 through officers other than the officer designated pursuant to Section 10211
16 may, by appropriate resolution of its board of directors, assign supervisory responsibility over
17 salespersons licensed to the corporation to its broker-officers.

18 (c) A certified copy of any resolution of the board of directors assigning
19 supervisory responsibility over real estate salespersons licensed to the corporation shall be filed
20 with the Real Estate Commissioner within five days after the adoption or modification thereof.”

21 33.

22 Pursuant to Regulation 2725 *Broker Supervision:*

23 “A broker shall exercise reasonable supervision over the activities of his or her
24 salespersons. Reasonable supervision includes, as appropriate, the establishment of policies,
25 rules, procedures and systems to review, oversee, inspect and manage:
26
27

- 1 (a) Transactions requiring a real estate license.
- 2 (b) Documents which may have a material effect upon the rights or obligations of
- 3 a party to the transaction.
- 4 (c) Filing, storage and maintenance of such documents.
- 5 (d) The handling of trust funds.
- 6 (e) Advertising of any service for which a license is required.
- 7 (f) Familiarizing salespersons with the requirements of federal and state laws
- 8 relating to the prohibition of discrimination.
- 9 (g) Regular and consistent reports of licensed activities of salespersons.

10 The form and extent of such policies, rules, procedures and systems shall take into

11 consideration the number of salespersons employed and the number and location of branch

12 offices.

13 A broker shall establish a system for monitoring compliance with such policies,

14 rules, procedures and systems. A broker may use the services of brokers and salespersons to

15 assist in administering the provisions of this section so long as the broker does not relinquish

16 overall responsibility for supervision of the acts of salespersons licensed to the broker.”

17 **False or Fictitious Business Name – Code Section 10159.5 and Regulation 2731**

18 34.

19 Pursuant to Code Section 10159.5(a)(1) *Fictitious Name*:

20 “Every person applying for a license under this chapter who desires to have the

21 license issued under a fictitious business name shall file with his or her application a certified

22 copy of his or her fictitious business name statement filed with the county clerk pursuant to

23 Chapter 5 (commencing with Section 17900) of Part 3 of Division 7.”

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1 35.

2 Pursuant to Regulation 2731(a) *Use of False or Fictitious Name*: "A licensee shall
3 not use a fictitious name in the conduct of any activity for which a license is required under the
4 Real Estate Law unless the licensee is the holder of a license bearing the fictitious business
5 name."

6 **Place of Business: Contact Information – Code Section 10162 and Regulation 2715**

7 36.

8 Pursuant to Code Section 10162 *Place of Business: Contact Information*:

9 "(a) Every licensed real estate broker shall have and maintain a definite place of
10 business in the State of California that serves as his or her office for the transaction of business.
11 This office shall be the place where his or her license is displayed and where personal
12 consultations with clients are held.

13 (b) A real estate license does not authorize the licensee to do business except from
14 the location stipulated in the real estate license as issued or as altered pursuant to Section
15 10161.8.

16 (c) (1) Every real estate broker and salesperson licensee shall provide to the
17 commissioner his or her current office or mailing address, a current telephone number, and a
18 current electronic mail address that he or she maintains or uses to perform any activity that
19 requires a real estate license, at which the bureau may contact the licensee.

20 (2) Every real estate broker and salesperson licensee shall inform the
21 commissioner of any change to his or her office or mailing address, telephone
22 number, or electronic mail address no later than 30 days after making the change.

23 (d) Notwithstanding Section 10185, a violation of this section is not a
24 misdemeanor."

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37.

Pursuant to Regulation 2715 *Business and Mailing Addresses of Licensees*:

“Every broker, except a broker acting in the capacity of a salesperson to another broker under written agreement, shall maintain on file with the commissioner the address of his principal place of business for brokerage activities, the address of each branch business office and his current mailing address, if different from the business address. Every broker who is acting in the capacity of a salesperson to another broker under written agreement shall maintain on file with the commissioner the address of the business location where he expects to conduct most of the activities for which a license is required and his current mailing address. A real estate salesperson shall maintain on file with the commissioner his current mailing address, and when applicable, the address of the principal business office of the broker to whom the salesperson is at the time licensed. Whenever there is a change in the location or address of the principal place of business or of a branch office of a broker, he shall notify the commissioner thereof not later than the next business day following the change. This section shall apply to the holder of a real estate license who fails to renew it prior to the period for which it was issued and who is otherwise qualified for such license as set forth in Section 10201 of the Code.”

Grounds for Revocation or Suspension –

Code Section 10176 (selected portions)

38.

Pursuant to Code Section 10176 *Grounds for Revocation or Suspension*:

“The commissioner may, upon his or her own motion, and shall, upon the verified complaint in writing of any person, investigate the actions of any person engaged in the business or acting in the capacity of a real estate licensee within this state, and he or she may temporarily suspend or permanently revoke a real estate licensee at any time where the licensee, while a real

1 estate licensee, in performing or attempting to perform any of the acts within the scope of this
2 chapter has been guilty of any of the following:

3 (a) Making any substantial misrepresentation...

4 (b) Making any false promise of a character likely to influence, persuade, or
5 induce..."

6 ...

7 (e) Commingling with his or her own money or property the money or other
8 property of others which is received and held by him or her.

9 ...

10 (g) The claiming or taking by a licensee of any secret or undisclosed amount of
11 compensation, commission or profit or the failure of a licensee to reveal to the buyer or seller
12 contracting with the licensee the full amount of the licensee's compensation, commission, or
13 profit under any agreement authorizing the licensee to do any acts for which a license is required
14 under this chapter for compensation or commission prior to or coincident with the signing of an
15 agreement evidencing the meeting of the minds of the contracting parties, regardless of the form
16 of the agreement, whether evidenced by documents in an escrow or by any other or different
17 procedure.

18 (i) Any other conduct, whether of the same or a different character than specified
19 in this section, which constitutes fraud or dishonest dealing..."

20 ...

21 (m) Violating any section, division, or article of law which provides that a
22 violation of that section, division, or article of law by a licensed person is a violation of that
23 person's licensing law, if it occurs within the scope of that person's duties as a licensee."

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1 **Further Grounds for Disciplinary Action –**

2 **Code Section 10177 (selected portions)**

3 39.

4 Pursuant to Code Section 10177 *Further Grounds for Disciplinary Action*

5 (selected portions):

6 “The commissioner may suspend or revoke the license of a real estate licensee,
7 delay the renewal of a license of a real estate licensee, or deny the issuance of a license to an
8 applicant, who has done any of the following:

9 ...

10 (d) Willfully disregarded or violated the Real Estate Law (Part 1 (commencing
11 with Section 10000)) or Chapter 1 (commencing with Section 11000) of Part 2 or the rules and
12 regulations of the commissioner for the administration and enforcement of the Real Estate Law
13 and Chapter 1 (commencing with Section 11000) of Part 2.

14 ...

15 (g) Demonstrated negligence or incompetence in performing an act for which he
16 or she is required to hold a license.

17 (h) As a broker licensee, failed to exercise reasonable supervision over the
18 activities of his or her salespersons, or, as the officer designated by a corporate broker licensee,
19 failed to exercise reasonable supervision and control of the activities of the corporation for which
20 a real estate license is required.

21 ...

22 (j) Engaged in any other conduct, whether of the same or a different character than
23 specified in this section, that constitutes fraud or dishonest dealing...”

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25 ///

1 Sections 10177(d) and 10177(g) and constitute cause for the suspension or revocation of all
2 licenses and license rights of Respondent ERIC DOUGALS WINSLOW under the Real Estate
3 Law.

4 COSTS

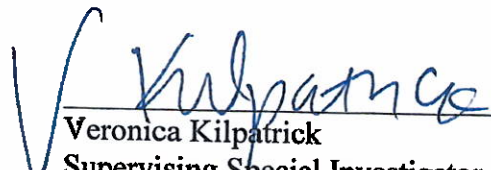
5 44.

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

10 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
11 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary
12 action against all the licenses and license rights of Respondents RYAN THOMAS CASSIDY
13 and ERIC DOUGLAS WINSLOW under the Real Estate Law (Part 1 of Division 4 of the
14 Business and Professions Code), and for such other and further relief as may be proper under
15 other applicable provisions of law.

16 Dated at Los Angeles, California

17 this 18 day of November 2020.

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19
20 
21 Veronica Kilpatrick
22 Supervising Special Investigator

23 cc: RYAN THOMAS CASSIDY
24 ERIC DOUGLAS WINSLOW
25 V. Kilpatrick
26 Sacto.