

1 LAURENCE D. HAVESON, Counsel (SBN 152631)
2 Department of Real Estate
3 320 West 4th Street, Suite 350
4 Los Angeles, California 90013-1105
5 Telephone: (213) 576-6982
6 Direct: (213) 576-6854
7 Fax: (213) 576-6917
8 Email: Laurence.Haveson@dre.ca.gov
9 Attorney for Complainant

FILED

MAY 07 2024

DEPT. OF REAL ESTATE

By- [REDACTED]

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of

No. H-42770-LA

NO WHINNING INC, GERALD
ROBERT ALLGOWER, individually and
as former designated officer of No
Whinning Inc, and RONALD D.
RITTER,

ACCUSATION

Respondents.

The Complainant, Jason Parson, a Supervising Special Investigator for the Department of Real Estate ("Department" or "DRE") of the State of California, for cause of Accusation against NO WHINNING INC ("NWI"), GERALD ROBERT ALLGOWER ("ALLGOWER"), individually and as the former designated officer of NWI, and RONALD D. RITTER ("RITTER"), collectively, "Respondents," is informed and alleges in his official capacity as follows:

1. The Complainant, Jason Parson, acting in his official capacity as a Supervising Special Investigator, makes this Accusation against Respondents.

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.

LICENSE HISTORY

3. Respondent NWI currently has licensing rights as a real estate corporation ("REC"), DRE License identification number ("License ID") 00854895, and was licensed from on or about

1 October 4, 1983, to on or about February 28, 2024, at which time NWI's license expired. The DRE
2 maintains jurisdiction pursuant to Code section 10103. From on or about February 29, 2020, through
3 on or about February 28, 2024, NWI was licensed through the real estate broker ("REB") license of
4 ALLGOWER, License ID 00906105, and ALLGOWER was the designated officer ("D.O."). NWI
5 maintained multiple fictitious business names ("dbas") licensed by the DRE, including but not
6 limited to the following:

- 7 a. "Best Canyon Properties," active from March 8, 2018 to February 29, 2024;
- 8 b. "Best Mountain Properties," active from September 17, 2018, to February 29,
9 2024;
- 10 c. "Best Properties," active from May 8, 2017, to February 29, 2024;
- 11 d. "Just Results Realty," active from May 8, 2017, to February 29, 2024.

12 4. Respondent ALLGOWER has been licensed by the Department as a REB, License
13 ID 00906105, from on or about December 6, 1993, through the present, with ALLGOWER's license
14 scheduled to expire on December 5, 2025, unless renewed. ALLGOWER was the D.O. for NWI
15 from on or about February 29, 2020, through on or about February 28, 2024, at which time
16 ALLGOWER's officer license expired. ALLGOWER was previously a real estate salesperson
17 ("RES") from on or about December 27, 1985, to on or December 5, 1993.

18 5. Respondent RITTER currently has license rights licensed with no broker affiliation,
19 or NBA, as a RES, License ID 01239330. RITTER was previously licensed by the Department as a
20 RES from on or about May 23, 1998, through on or about May 22, 2022, at which time RITTER's
21 license expired. The DRE maintains jurisdiction pursuant to Code section 10103. As is relevant to
22 this Accusation: from on or about March 2, 2020, to on or about May 22, 2022, RITTER was
23 employed by NWI; on or about May 23, 2022, RITTER's license expired and has not been renewed.

24 **BROKERAGE: NWI**

25 6. At all times mentioned, in San Bernardino County, NWI acted as a real estate broker,
26 conducting licensed activities within the meaning of Code section 10131(a): selling and buying real
27 property for others. At all times mentioned, NWI conducted such licensed activities for
28 compensation or in expectation of compensation. At all times mentioned, NWI acted by and through

1 ALLGOWER as its D.O. pursuant to Code Section 10159.2 who was responsible for ensuring
2 compliance with the Real Estate Law.

3 **FACTS DISCOVERED BY DRE**

4 7. All real estate activity engaged in by RITTER from May 23, 2022, to the present,
5 occurred during a time when RITTER's RES license was expired.

6 8. On or about September 8, 2022, the DRE received a complaint from T.M.^{1/} regarding
7 NWA, dba Best Properties, and RITTER, alleging that RITTER has been actively participating in
8 licensed activities since the expiration of his license on May 22, 2022, including listing properties
9 in which T.M.'s office participated as the selling agent, and submitting offers on properties which
10 T.M.'s office was the listing agent. Upon being notified that RITTER's license had expired,
11 ALLGOWER claimed he was unaware RITTER's license had expired. T.M. claims that
12 ALLGOWER took a purchase contract for a property and superimposed his initials and name as the
13 selling agent, but that RITTER continued to offer properties as a licensed RES using an expired
14 license.

15 9. T.M. provided MLS listings showing that RITTER, on behalf of Best Properties, one
16 of NWI's dbas, was the listing agent for Sellers of the following properties:

17 a. 44 Seven Oaks, Angelus Oaks, California (according to MLS: listing contract
18 date of on or about April 23, 2022, escrow closed on or about June 11, 2022);

19 b. 5916 Mountain Home Creek Road, Angelus Oaks, California (according to
20 MLS: listing contract date of on or about June 17, 2022, escrow closed on or about August
21 10, 2022);

22 c. 6164 Oak Avenue, Angelus Oaks, California (according to MLS: listing
23 contract date of on or about April 22, 2022, escrow closed on or about June 8, 2022);

24 10. ALLGOWER provided the DRE with an unsigned copy of a Residential Listing
25 Agreement ("RLA") dated June 6, 2022, apparently prepared by RITTER, granting RITTER, as the

26 ///

27 _____
28 ^{1/} Initials are used in place of an individual's full name to protect their privacy. Documents containing the individuals' full names will be provided during the discovery phase of this case to Respondents and/or their attorney(s), after service of a timely and proper request for discovery on Complainant's counsel.

1 agent of Best Properties, the exclusive right to sell property located at 5916 Mountain Home Creek
2 Road, Angelus Oaks, California ("Mountain Home Property") on behalf of the Sellers D.J. and R.J.

3 11. On or about July 12, 2022, RITTER signed a California Residential Purchase
4 Agreement and Joint Escrow Instructions ("RPA") as the listing agent for Best Properties on behalf
5 of D.J. and R.J., trustees and sellers ("Sellers") of the Mountain Home Property. The Sellers also
6 signed the RPA for the Mountain Home Property on or about July 12, 2022. E.A.S., the buyer of the
7 Mountain Home Property, was represented by Glimore Real Estate ("Gilmore"), a dba for REC
8 Southern Sierras Inc., License ID 01294178.

9 12. On or about July 14, 2022, RITTER sent an e-mail message to Bridget Miranda
10 ("Miranda"), escrow officer for Lawyers Title Company, requesting that she open a new escrow for
11 the Mountain Home Property. On or about July 15, 2022, Miranda replied by e-mail, asking RITTER
12 about the commission percentage. The same day, RITTER replied by e-mail to Miranda, indicating
13 that the commission should be "50-50 on 6%."

14 13. On or about August 10, 2022, escrow on the Mountain Home Property closed. On
15 or about August 10, 2022, RITTER sent an e-mail message regarding the Mountain Home Property
16 to Miranda stating, "leave the [Buyer's broker] Gillmore Commission at 3% of 248,400 but Best
17 Properties at 3% of only \$240,000."

18 14. On or about August 11, 2022, Lawyers Title Company issued a check from the
19 escrow account for the Mountain Homes Property payable to Best Properties, as the Sellers' broker,
20 in the amount of \$7,200, which is three percent (3%) of \$240,000.

21 15. On or about September 20, 2022, ALLGOWER signed a check payable to RITTER
22 in the amount of \$5,420.00, with the notation "5916 Mtn Home." The check was issued from an
23 NWI bank account ending in 6955 maintained at U.S. Bank.

24 16. ALLGOWER stated that he was not aware that RITTER's license had expired before
25 the RPA for the Mountain Home Property was executed. ALLGOWER also stated that he did not
26 have an active supervision plan in place for his brokerage to verify when RITTER's license expired.

27 ///

28 ///

1 **VIOLATIONS OF THE REAL ESTATE LAW – CAUSES FOR DISCIPLINE**

2 17. In the course of the activities described above in Paragraph 6, and based on the facts
3 discovered by the DRE, as described in Paragraphs 7 through 16 above, Respondents acted in
4 violation of the Code and Regulations as follows.

5 **FIRST CAUSE OF ACCUSATION AGAINST RITTER**

6 **(ACTIVITIES REQUIRING A LICENSE)**

7 18. The Complainant realleges and incorporates by reference all of the allegations
8 contained in paragraphs 1 through 17 above with the same force and effect as though fully set forth
9 herein.

10 19. From on or about May 3, 2022, through on or about August 10, 2022, RITTER
11 engaged in the business of, acted in the capacity of, or assumed to act as a real estate salesperson
12 within the State of California within the meaning of Code section 10131(a), for or in expectation of
13 compensation through his acts and/or omissions, as alleged above in Paragraphs 7 through 15, while
14 his RES license was expired. RITTER's acts and/or omissions as alleged herein were in violation
15 of Code sections 10130, and 10177(d) and/or 10177(g), and constitute cause to suspend or revoke
16 the real estate licenses and license rights of Respondent RITTER pursuant to Code sections 10177(d)
17 and/or 10177(g).

18 **SECOND CAUSE OF ACCUSATION AGAINST NWI**

19 **(UNLAWFUL PAYMENT OF COMPENSATION)**

20 20. The Complainant realleges and incorporates by reference all of the allegations
21 contained in paragraphs 1 through 19 above with the same force and effect as though fully set forth
22 herein.

23 21. NWI's acts and/or omissions in retaining and compensating RITTER for performing
24 real estate activities requiring a real estate license from on or about May 3, 2022, through on or
25 about September 20, 2022, while RITTER's RES license was expired were in violation of Code
26 **sections 10137, and 10177(d) and/or 10177(g)**, and constitute cause to suspend or revoke the real
27 estate licenses and license rights of Respondent NWI pursuant to **Code sections 10177(d) and/or**
28 **10177(g).**

1 Real Estate Laws and Regulations. ALLGOWER failed to establish policies, rules, procedures, and
2 systems to review, oversee, inspect, and manage transactions requiring a real estate license by
3 NWI's licensees and employees.

4 27. ALLGOWER's acts and/or omissions were in violation of **Code section 10159.2**
5 **and Regulation 2725** and constitute cause to suspend or revoke the real estate licenses and license
6 rights of Respondent ALLGOWER pursuant to **Code sections 10177(h), and 10177(d) and/or**
7 **10177(g).**

8 COSTS

9 (INVESTIGATION AND ENFORCEMENT COSTS)

10 28. **Code section 10106** provides, in pertinent part that in any order issued in resolution
11 of a disciplinary proceeding before the DRE, the Commissioner may request the administrative law
12 judge to direct a licensee found to have committed a violation of this part to pay a sum not to exceed
13 the reasonable costs of investigation and enforcement of the case.

14 WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this
15 Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against
16 all the licenses and license rights of Respondents NO WHINNING INC, GERALD ROBERT
17 ALLGOWER, and RONALD D. RITTER under the Real Estate Law, for the costs of investigation
18 and enforcement as permitted by law, and for such other and further relief as may be proper under
19 other applicable provisions of law.

20 Dated at Los Angeles, California MAY 7, 2024

21 
22 Jason Parson
23 Supervising Special Investigator

24
25 cc: NO WHINNING INC
26 GERALD ROBERT ALLGOWER
27 RONALD D. RITTER
28 Jason Parson
Sacto.