



1 demonstrated to my satisfaction that Respondent meets the  
2 requirements of law for the issuance to Respondent of an  
3 unrestricted real estate broker license and that it would not be  
4 against the public interest to issue said license to Respondent.

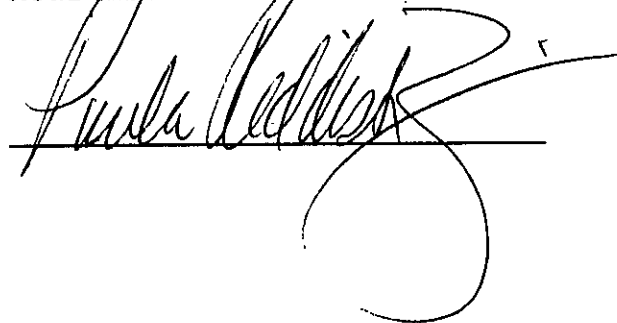
5 NOW, THEREFORE, IT IS ORDERED that Respondent's  
6 petition for reinstatement is granted and that a real estate  
7 broker license be issued to Respondent, if Respondent satisfies  
8 the following conditions within nine months from the date of this  
9 Order:

- 10 1. Respondent shall take and pass the real estate  
11 broker license examination.
- 12 2. Submittal of a completed application and payment  
13 of the fee for a real estate broker license.
- 14 3. Submittal of evidence of having, since the most  
15 recent issuance of an original or renewal real estate license,  
16 taken and successfully completed the continuing education  
17 requirements of Article 2.5 of Chapter 3 of the Real Estate Law  
18 for renewal of a real estate license.

19 This Order shall be effective immediately.

20  
21 DATED: January 30, 2003.

22  
23 PAULA REDDISH ZINNEMANN  
Real Estate Commissioner

24  
25   
26  
27



1 exist to deny the issuance of an unrestricted real estate  
2 broker license to Respondent.

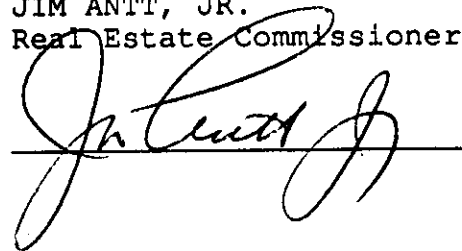
3 NOW, THEREFORE, IT IS ORDERED that Respondent's  
4 petition for reinstatement is granted and that an  
5 unrestricted real estate broker license be issued to  
6 Respondent, RICK VESCI, after Respondent satisfies the  
7 following conditions within one (1) year from the date of  
8 this Order:

- 9 1. Submittal of a completed application and  
10 payment of the fee for a real estate broker license.  
11 2. Submittal of evidence satisfactory to the Real  
12 Estate Commissioner that Respondent has, since his present  
13 restricted license was issued, taken and successfully  
14 completed the continuing education requirements of Article  
15 2.5 of Chapter 3 of the Real Estate Law for renewal of a real  
16 estate license.

17 This Order shall become effective immediately.

18 DATED: 7/5/95  
19 \_\_\_\_\_

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21 JIM ANTT, JR.  
Real Estate Commissioner

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23 \_\_\_\_\_

24 RICK VESCI  
25 8306 Houghton Place  
26 Chesterfield, Virginia 23832  
27

Sacto  
Flag.

DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

*Sybil Wilme*

\* \* \* \*

In the Matter of the Accusation of

No. H- 951 SA

RICK VESCI, dba  
Rix Real Estate Services,

L- 50058

Respondent(s).

DECISION

The Proposed Decision dated March 18, 1991

of the Administrative Law Judge of the Office of Administrative Hearings, is hereby adopted as the Decision of the Real Estate Commissioner in the above-entitled matter.

This Decision shall become effective at 12 o'clock

noon on May 8, 1991 :

IT IS SO ORDERED April 5, 1991.

*John R. Liberator*  
\_\_\_\_\_  
JOHN R. LIBERATOR  
Chief Deputy Real Estate Commissioner

BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Accusation )  
Against: )  
 )  
 ) No. H-951-SA  
RICK VESCI, dba )  
Rix Real Estate Services, ) L - 50058  
 )  
 )  
Respondent. )  
\_\_\_\_\_ )

PROPOSED DECISION

This matter came on regularly for hearing before David B. Rosenman, Administrative Law Judge of the Office of Administrative Hearings, at Los Angeles, California on February 13, 1991. Complainant was represented by James Beaver, Staff Counsel. Respondent, Rick Vesce, was not present, but was represented at the hearing by John D. Desbrow, Esq.

Oral and documentary evidence was received, and the matter was submitted.

FINDINGS OF FACT

The Administrative Law Judge makes the following Findings of Fact:

I

The Accusation was made by Thomas McCrady, a Deputy Real Estate Commissioner, in his official capacity.

II

At the hearing, complainant dismissed paragraph XI and struck from the Accusation all allegations relating thereto.

III

At all relevant times, respondent, Rick Vesce, was a licensed real estate broker doing business as Rix Real Estate Services. Respondent's main office and mailing address, as

listed with complainant as of January 1, 1988, was 485 East 17th Street, Suite 103, Costa Mesa, California.

IV

It was not established that respondent employed Ray Millan to perform acts on respondent's behalf which required a real estate salesperson's license.

V

Between July, 1988 and February, 1989, respondent employed Steven Campbell Fisher to perform acts on respondent's behalf which required a real estate salesperson's license. Fisher was licensed by the Department as a salesperson at such times.

VI

Between July, 1988 and February, 1989, Fredric Dean Fortney was employed by respondent to perform acts on respondent's behalf which required a real estate salesperson's license. At such times, although Fortney was licensed by the Department as a salesperson, he was not licensed as respondent's employee.

VII

Respondent maintained offices to conduct his business as a real estate broker at 3590 14th Street, Riverside, California, and at 68783 East Palm Canyon Drive, Cathedral City, California, without obtaining branch office licenses from the Department.

VIII

Respondent ceased maintaining his primary place of business in Costa Mesa, as listed with the Department, in January, 1989. Thereafter, respondent established a principal place of business either at the Riverside or Cathedral City offices noted in paragraph VII. Respondent did not notify the Department of the change in address of his principal place(s) of business.

IX

Between July, 1988 and May, 1989, respondent accepted or received funds in trust in connection with his real estate activities, which funds were deposited in an account established by respondent with Security Pacific National Bank. Said account was not a proper trust fund account, as it did not list respondent's name as trustee.

X

With respect to the funds accepted or received by respondent in trust, respondent failed to maintain adequate records of all trust funds.

In numerous instances, respondent failed to report the date of receipt of funds, the date of the deposit of funds, or the daily balance in the trust account. Respondent did not always maintain individual records for each buyer or prospective buyer who gave him trust funds, nor did he reconcile the trust fund records with the separate records for each beneficiary or transaction at least once each month.

XI

The irregularities in respondent's trust account and records did not result in any losses or damages to respondent's clients, and were not intentional departures from the statutory requirements.

#### DETERMINATION OF ISSUES

Based upon the foregoing Findings of Fact, the Administrative Law Judge makes the following Determination of Issues:

I

No cause exists for the imposition of discipline against respondent's license for violating Business and Professions Code section 10137, by reason of Findings IV and V.

II

Cause exists for the imposition of discipline against respondent's license for violating Business and Professions Code section 10137, by reason of Finding VI.

III

Cause exists for the imposition of discipline against respondent's license for violating Business and Professions Code sections 10162, 10163, 10165, and 10177(d), and Title 10, California Code of Regulations section 2715, by reason of Findings VII and VIII.

IV

Cause exists for the imposition of discipline against respondent's license for violating Business and Professions Code section 10177(d) and Title 10, California Code of Regulations



section 2830, by reason of Finding IX.

V

Cause exists for the imposition of discipline against respondent's license for violating Business and Professions Code section 10177(d) and Title 10, California Code of Regulations sections 2831, 2831.1, and 2831.2, by reason of Finding X.

ORDER

WHEREFORE, IT IS HEREBY ORDERED:

Respondent's real estate broker's license is revoked; provided, however, a restricted real estate broker's license shall be issued to respondent pursuant to section 10156.5 of the Business and Professions Code if respondent makes application therefor and pays to the Department of Real Estate the appropriate fee for the restricted license within 90 days from the effective date of this Decision. The restricted license issued to respondent shall be subject to all of the provisions of section 10156.7 of the Business and Professions Code and to the following limitations, conditions and restrictions imposed under authority of section 10156.6 of that Code:

1. Any restricted real estate license issued to respondent pursuant to this Decision shall be suspended for 15 days from the date of issuance of said restricted license.
2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor for the removal of any of the conditions, limitations or restrictions of a restricted license until one year has elapsed from the effective date of this Decision.
3. Respondent shall obey all the laws of the United States, the State of California, and all rules, regulations and laws pertaining to the responsibilities of a real estate licensee in the State of California.
4. Respondent shall, within nine months from the effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner that respondent has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Business & Professions Code for renewal of a real estate license. Respondent is specifically

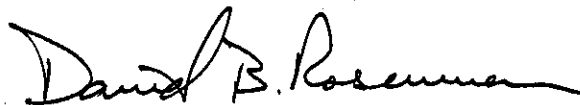
ordered to include the following courses, as described in Business & Professions Code section 10153.2, within his continuing education: real estate accounting and real estate office management. If respondent fails to satisfy this condition, the Commissioner may order the suspension of the restricted license until the respondent presents such evidence. The Commissioner shall afford respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

5. Respondent shall report in writing to the Department of Real Estate, as the Real Estate Commissioner shall direct by separate written order issued while the restricted license is in effect, such information concerning respondent's activities for which a real estate license is required as the Commissioner shall deem to be appropriate to protect the public interest.

Such reports may include, but shall not be limited to, periodic independent accountings of trust funds in the custody and control of respondent and periodic summaries of salient information concerning each real estate transaction in which the respondent engaged during the period covered by the report.

6. Respondent shall, within six months from the effective date of this Decision, take and pass the Professional Responsibility Examination administered by the Department including the payment of the appropriate examination fee. If respondent fails to satisfy this condition, the Commissioner may order suspension of respondent's license until respondent passes the examination.

Dated: March 18, 1991



DAVID B. ROSENMAN  
Administrative Law Judge  
Office of Administrative Hearings

DBR:

**BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA**

*In the Matter of the Accusation of*

**RICK VESCI, Doing Business As  
RIX Real Estate Services,**

}  
}

Case No. H-951 SA

OAH No. L-50058

\_\_\_\_\_  
*Respondent(s)*

**NOTICE OF HEARING ON ACCUSATION**

**To the above named respondent:**

**You are hereby notified** that a hearing will be held before the Department of Real Estate at OFFICE  
OF ADMINISTRATIVE HEARINGS, 314 W. FIRST ST., LOS ANGELES, CA 90012

on the 13th day of FEBRUARY, 19 91, at the hour of 9:00 a.m. or as soon thereafter  
as the matter can be heard, upon the charges made in the Accusation served upon you.

You may be present at the hearing, and you may be represented by counsel, but you are neither required to be present at the hearing nor to be represented by counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you upon any express admissions, or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter. The interpreter must be approved by the hearing officer conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the hearing officer directs otherwise.

DEPARTMENT OF REAL ESTATE

By  JAMES L. BEAVER Counsel

Dated: January 10, 1991

cc: OAH  
Sacto  
BSV  
Vesci

SACTO  
FLAG

1 MARILYN L. MOSHER, Counsel  
Department of Real Estate  
2 107 South Broadway, Room 8107  
Los Angeles, California 90012  
3 (213) 620-4790  
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7

MAR 20 1990

FILED  
Sylvia Williams

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \* \* \*

11 In the Matter of the Accusation of ) No. H-951 SA  
12 RICK VESCI, doing business as ) A C C U S A T I O N  
Rix Real Estate Services, )  
13 Respondent. )  
14

15 The complainant, Thomas McCrady, a Deputy Real Estate  
16 Commissioner of the State of California, for cause of accusation  
17 against RICK VESCI, doing business as Rix Real Estate Services,  
18 alleges as follows:

19 I

20 The complainant, Thomas McCrady, a Deputy Real Estate  
21 Commissioner of the State of California, makes this Accusation  
22 in his official capacity.

23 II

24 RICK VESCI, doing business as Rix Real Estate Services  
25 (hereinafter referred to as Respondent) is presently licensed  
26 and/or has license rights under the Real Estate Law (Part 1 of  
27 Division 4 of the Business and Professions Code).

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III

At all times herein mentioned, Respondent was licensed by the Department of Real Estate of the State of California (hereinafter the Department) as a real estate broker and was authorized to conduct business under the fictitious business name "Rix Real Estate Services" at 485 East 17th Street, Suite 103, in Costa Mesa, California.

IV

All further reference herein to Respondent shall be deemed to refer also to the employees, agents, and real estate licensees employed by or associated with Respondent, who at all times herein mentioned were engaged in the furtherance of Respondent's business or operation, and who were acting within the course and scope of their authority and employment.

V

At all times herein mentioned, Respondent engaged in the business of a real estate broker within the meaning of Section 10131(a) of the California Business and Professions Code (hereinafter the Code), in that he sold or offered to sell, solicited prospective sellers and purchasers of, or negotiated the purchase of real property for or in expectation of compensation.

VI

On or about June 27, 1989, the Department completed an examination of Respondent's books and records for an eleven-month period ending May 31, 1989, which revealed the violations of the Code and of Chapter 6, Title 10, California Code of

1 Regulations (hereinafter the Regulations), as set forth herein  
2 below in Paragraphs VII through XI.

3 VII

4 From time to time, beginning in about July 1988, and  
5 continuing through about February 1989, Respondent employed  
6 and/or compensated Ray Millan, aka Raymond Millan, Steven  
7 Campbell Fisher, aka Steve Fisher, and Fredric Dean Fortney, aka  
8 Dean Fortney to perform on his behalf one or more of the acts  
9 set forth in Paragraph V above. At no time during said period  
10 were Millan or Fisher licensed by the Department as a real  
11 estate broker or real estate salesperson. At no time herein  
12 mentioned was Fortney licensed by the Department under the employ  
13 of Respondent.

14 VIII

15 Beginning at a time unknown to the Commissioner and  
16 continuing through about May 1989, Respondent conducted business  
17 as a real estate broker at 3590 14th Street in Riverside, Cali-  
18 fornia, and at 68783 East Palm Canyon Drive in Cathedral City,  
19 California. At no time herein mentioned did Respondent notify  
20 the Commissioner of a change of address of his principal place  
21 of business or obtain a branch office license for either location  
22 from the Department.

23 IX

24 From in or about July 1988, and continuing through May  
25 1989, in connection with his real estate activities, Respondent  
26 accepted or received funds in trust (hereinafter trust funds)  
27 from or on behalf of purchasers and sellers and thereafter made

1 disbursements of said funds. Said trust funds were deposited  
2 by Respondent into Security Pacific National Bank Account  
3 Number 174-150-834. The said account was not a trust fund  
4 account in Respondent's name as trustee, as required by Section  
5 2830 of the Regulations.

6 X

7 Further, in connection with the aforesaid trust funds,  
8 Respondent failed to maintain adequate records of all trust funds  
9 received and disbursed, or, maintain adequate separate records  
10 for each beneficiary or transaction, or, perform a monthly  
11 reconciliation of the records of the receipt and disposition of  
12 all trust funds received, and the balance of all separate benefi-  
13 ciary or transaction records, as required by Sections 2831,  
14 2831.1 and 2831.2, respectively, of the Regulations.

15 XI

16 In connection with his real estate activities, Respond-  
17 ent collected an advance fee, as said term is defined in Section  
18 10026 of the Code, pursuant to a written agreement with prospec-  
19 tive purchasers of real property. At no time herein mentioned  
20 did Respondent submit the said written agreement to the Depart-  
21 ment prior to use, as required by Section 2970 of the Regulations.

22 XII

23 The conduct of Respondent, as alleged in Paragraph VII,  
24 is cause for the suspension or revocation of all licenses and  
25 license rights of Respondent RICK VESCI under the provisions of  
26 Section 10137 of the Code.

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XIII

The conduct, acts or omissions of Respondent, as alleged in Paragraph VIII, is in violation of Section 10162 and 10163 of the Code and Section 2715 of the Regulations and is cause for the suspension or revocation of all licenses and license rights of Respondent RICK VESCI under the provisions of Section 10165 and 10177(d) of the Code.

XIV

The conduct, acts or omissions of Respondent, as alleged in Paragraphs IX, X, and XI, are in violation of Regulations 2830, 2831, 2831.1, 2831.2 and 2970 of the Regulations and are cause for the suspension or revocation of all licenses and license rights of Respondent RICK VESCI under the provisions of Section 10177(d) of the Code.

WHEREFORE, complainant prays that a hearing be conducted on the allegations of this Accusation and, that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and license rights of Respondent

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1 RICK VESCI under the Real Estate Law (Part 1 of Division 4 of  
2 the Business and Professions Code) and for such other and further  
3 relief as may be proper under other applicable provisions of law.  
4 Dated at Santa Ana, California,  
5 this 20th day of March, 1990.

6  
7 THOMAS McCRADY  
Deputy Real Estate Commissioner  
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25 cc: Rick Vesce  
26 Sacto  
27 BSV