

1 I have considered the petition of Respondent and the
2 evidence and arguments in support thereof. Respondent has
3 demonstrated to my satisfaction that Respondent meets the
4 requirements of law for the issuance to Respondent of an
5 unrestricted corporate real estate broker license and that it
6 would not be against the public interest to issue said license to
7 Respondent.

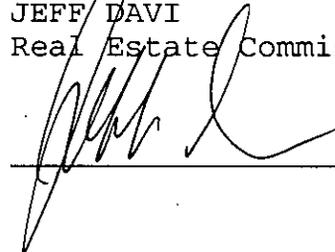
8 NOW, THEREFORE, IT IS ORDERED that Respondent's
9 petition for reinstatement is granted and that a corporate real
10 estate broker license be issued to Respondent if Respondent
11 satisfies the following conditions within nine (9) months from
12 the date of this Order:

13 1. Submittal of a completed application and payment of
14 the fee for a corporate real estate broker license.

15 This Order shall be effective immediately.

16 DATED: _____

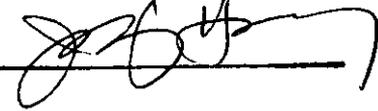
17 JEFF DAVI
18 Real Estate Commissioner

19 
20 _____

ORIGINAL

1 Department of Real Estate
P. O. Box 187000
2 Sacramento, CA 95818-7000
3 Telephone: (916) 227-0789
4
5
6
7

FILED
SEP 12 2003
DEPARTMENT OF REAL ESTATE

By 

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H-1472 FR
12 ORCHARD VALLEY REALTORS and) STIPULATION AND AGREEMENT
13 PAUL LEONARD SJOBLOM,) IN SETTLEMENT AND ORDER
14 Respondents)

15 It is hereby stipulated by and between ORCHARD VALLEY
16 REALTORS and PAUL LEONARD SJOBLOM, (hereinafter "Respondents"),
17 and their attorney of record, Ronald R. Rossi of Rossi,
18 Hamerslough, Reischl & Chuck, and the Complainant, acting by and
19 through David B. Seals, Counsel for the Department of Real
20 Estate, as follows for the purpose of settling and disposing of
21 the First Amended Accusation filed on September 12, 2002, in this
22 matter:

23 1. All issues which were to be contested and all
24 evidence which was to be presented by Complainant and Respondents
25 at a formal hearing on the First Amended Accusation which hearing
26 was to be held in accordance with the provisions of the
27 Administrative Procedure Act (APA), shall instead and in place

1 thereof be submitted solely on the basis of the provisions of
2 this Stipulation and Agreement in Settlement.

3 2. Respondents have received, read and understand the
4 Statement to Respondent, the Discovery Provisions of the APA and
5 the First Amended Accusation filed by the Department of Real
6 Estate in this proceeding.

7 3. On March 29, 2001, Respondents filed a Notice of
8 Defense pursuant to Section 11505 of the Government Code for the
9 purpose of requesting a hearing on the allegations in the First
10 Amended Accusation. Respondents hereby freely and voluntarily
11 withdraw said Notice of Defense. Respondents acknowledge that
12 they understand that by withdrawing said Notice of Defense they
13 will thereby waive their right to require the Commissioner to
14 prove the allegations in the First Amended Accusation at a
15 contested hearing held in accordance with the provisions of the
16 APA and that they will waive other rights afforded to them in
17 connection with the hearing such as the right to present evidence
18 in defense of the allegations in the First Amended Accusation and
19 the right to cross-examine witnesses.

20 4. This Stipulation is based on the factual
21 allegations contained in the First Amended Accusation. In the
22 interests of expedience and economy, Respondents choose not to
23 contest these allegations, but to remain silent and understand
24 that, as a result thereof, these factual allegations, without
25 being admitted or denied, will serve as a prima facie basis for
26 the disciplinary action stipulated to herein. The Real Estate

27 ///

1 Commissioner shall not be required to provide further evidence to
2 prove said factual allegations.

3 5. It is understood by the parties that the Real
4 Estate Commissioner may adopt the Stipulation and Agreement in
5 Settlement as her decision in this matter thereby imposing the
6 penalty and sanctions on Respondents' real estate licenses and
7 license rights as set forth in the below "Order". In the event
8 that the Commissioner in her discretion does not adopt the
9 Stipulation and Agreement in Settlement, it shall be void and of
10 no effect, and Respondents shall retain the right to a hearing
11 and proceeding on the First Amended Accusation under all the
12 provisions of the APA and shall not be bound by any admission or
13 waiver made herein.

14 6. The Order or any subsequent Order of the Real
15 Estate Commissioner made pursuant to this Stipulation and
16 Agreement in Settlement shall not constitute an estoppel, merger
17 or bar to any further administrative or civil proceedings by the
18 Department of Real Estate with respect to any matters which were
19 not specifically alleged to be causes for accusation in this
20 proceeding.

21 7. Respondents have received, read and understand the
22 "Notice Concerning Costs of Subsequent Audits". Respondents
23 understand that by agreeing to this Stipulation and Agreement in
24 Settlement, the findings set forth below in the DETERMINATION OF
25 ISSUES become final, and that the Commissioner may charge
26 Respondents for the costs of any audit for which they are charged
27 pursuant to Section 10148 of the Business and Professions Code

1 (hereinafter the "Code").

2 DETERMINATION OF ISSUES

3 I

4 The facts alleged above are grounds for the suspension
5 or revocation of the licenses and license rights of Respondents
6 PAUL LEONARD SJOBLUM and ORCHARD VALLEY REALTORS, under Section
7 10148 of the Code in conjunction with Section 10177(d) of the
8 Code.

9 ORDER

10 I

11 All licenses and licensing rights of Respondent PAUL
12 LEONARD SJOBLUM (hereinafter "SJOBLUM") under the Real Estate Law
13 are revoked; provided, however, a restricted real estate
14 salesperson license shall be issued to Respondent SJOBLUM
15 pursuant to Section 10156.5 of the Business and Professions Code
16 if Respondent SJOBLUM makes application therefor and pays to the
17 Department of Real Estate the appropriate fee for the restricted
18 license within 90 days from the effective date of this Decision.

19 The restricted license issued to Respondent SJOBLUM shall be
20 subject to all of the provisions of Section 10156.7 of the
21 Business and Professions Code and to the following limitations,
22 conditions and restrictions imposed under authority of Section
23 10156.6 of that Code:

24 1. The restricted license issued to Respondent
25 SJOBLUM may be suspended prior to hearing by Order of the Real
26 Estate Commissioner in the event of Respondent SJOBLUM's
27 conviction or plea of nolo contendere to a crime which is

1 substantially related to Respondent SJOBLOM's fitness or capacity
2 as a real estate licensee.

3 2. The restricted license issued to Respondent
4 SJOBLOM may be suspended prior to hearing by Order of the Real
5 Estate Commissioner on evidence satisfactory to the Commissioner
6 that Respondent SJOBLOM has violated provisions of the California
7 Real Estate Law, the Subdivided Lands Law, Regulations of the
8 Real Estate Commissioner or conditions attaching to the
9 restricted license.

10 3. Respondent SJOBLOM shall not be eligible to apply
11 for the issuance of an unrestricted real estate license nor for
12 the removal of any of the conditions, limitations or restrictions
13 of a restricted license until two (2) years has elapsed from the
14 effective date of this Decision.

15 4. Respondent SJOBLOM shall submit with any
16 application for license under an employing broker, or any
17 application for transfer to a new employing broker, a statement
18 signed by the prospective employing real estate broker on a form
19 approved by the Department of Real Estate which shall certify:

20 (a) That the employing broker has read the
21 Decision of the Commissioner which granted the right to a
22 restricted license; and

23 (b) That the employing broker will exercise close
24 supervision over the performance by the restricted licensee
25 relating to activities for which a real estate license is
26 required.

27 ///

1 pays to the Department of Real Estate the appropriate fee for the
2 restricted license within 90 days from the effective date of this
3 Decision. The restricted license issued to Respondent ORCHARD
4 VALLEY REALTORS shall be subject to all of the provisions of
5 Section 10156.7 of the Business and Professions Code and to the
6 following limitations, conditions and restrictions imposed under
7 authority of Section 10156.6 of that Code:

8 1. The restricted license issued to Respondent
9 ORCHARD VALLEY REALTORS may be suspended prior to hearing by
10 Order of the Real Estate Commissioner in the event of Respondent
11 ORCHARD VALLEY REALTORS's conviction or plea of nolo contendere
12 to a crime which is substantially related to Respondent ORCHARD
13 VALLEY REALTORS's fitness or capacity as a real estate licensee.

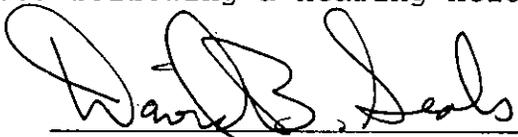
14 2. The restricted license issued to Respondent
15 ORCHARD VALLEY REALTORS may be suspended prior to hearing by
16 Order of the Real Estate Commissioner on evidence satisfactory to
17 the Commissioner that Respondent ORCHARD VALLEY REALTORS has
18 violated provisions of the California Real Estate Law, the
19 Subdivided Lands Law, Regulations of the Real Estate Commissioner
20 or conditions attaching to the restricted license.

21 3. Respondent ORCHARD VALLEY REALTORS shall not be
22 eligible to apply for the issuance of an unrestricted corporate
23 real estate license nor for the removal of any of the conditions,
24 limitations or restrictions of a restricted license until three
25 (3) years has elapsed from the effective date of this Decision.

26 4. Respondents ORCHARD VALLEY REALTORS and PAUL
27 LEONARD SJOBLUM shall pay the Commissioner's reasonable cost for

1 an audit to determine if Respondent ORCHARD VALLEY REALTORS is
2 maintaining trust fund records in accordance with the Real Estate
3 Law. In calculating the amount of the Commissioner's reasonable
4 cost, the Commissioner may use the estimated average hourly
5 salary for all persons performing audits of real estate brokers,
6 and shall include an allocation for travel time to and from the
7 auditor's place of work. Respondents ORCHARD VALLEY REALTORS and
8 PAUL LEONARD SJOBLUM shall pay such cost within 60 days of
9 receiving an invoice from the Commissioner detailing the
10 activities performed during the audit and the amount of time
11 spent performing those activities. The Commissioner may suspend
12 the restricted license issued to Respondents ORCHARD VALLEY
13 REALTORS and PAUL LEONARD SJOBLUM pending a hearing held in
14 accordance with Section 11500, et seq., of the Government Code,
15 if payment is not timely made as provided for herein, or as
16 provided for in a subsequent agreement between the Respondents
17 ORCHARD VALLEY REALTORS and PAUL LEONARD SJOBLUM and the
18 Commissioner. The suspension shall remain in effect until payment
19 is made in full or until Respondents ORCHARD VALLEY REALTORS and
20 PAUL LEONARD SJOBLUM enter into an agreement satisfactory to the
21 Commissioner to provide for payment, or until a decision
22 providing otherwise is adopted following a hearing held pursuant
23 to this condition.

24 7/17/2003
DATED


DAVID B. SEALS, Counsel
DEPARTMENT OF REAL ESTATE

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I have read the Stipulation and Agreement, have had the opportunity to consult with legal counsel, and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), and I willingly, intelligently and voluntarily waive those rights, including the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

7/15/03
DATED

Paul Leonard Sjoblom
PAUL LEONARD SJOBLOM
Respondent

7/15/03
DATED

Orchard Valley Realtors
ORCHARD VALLEY REALTORS
Respondent

I have reviewed the Stipulation and Agreement in Settlement as to form and content and have advised my client accordingly.

7/14/03
DATED

Ronald R. Rossi
RONALD R. ROSSI
Attorney for Respondents

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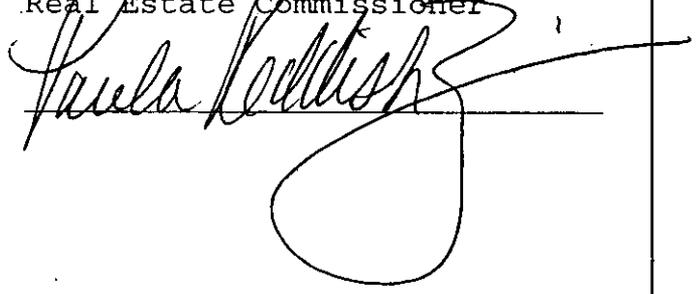
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The foregoing Stipulation and Agreement for
Settlement is hereby adopted by the Real Estate Commissioner as
her Decision and Order and shall become effective at 12 o'clock
noon on October 2, 2003.

IT IS SO ORDERED July 31, 2003.

PAULA REDDISH ZINNEMANN
Real Estate Commissioner



BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
JUN 07 2003

DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

Shelley Ely

ORCHARD VALLEY REALTORS, and
PAUL LEONARD SJOBLOM,

}

Case No. H-1472 FR

OAH No. N2001040310

Respondents

FOURTH CONTINUED
NOTICE OF HEARING ON ACCUSATION

To the above named respondents:

You are hereby notified that a hearing will be held before the Department of Real Estate at THE OFFICE OF ADMINISTRATIVE HEARINGS, THE ELIHU HARRIS STATE BUILDING, 1515 CLAY STREET, SUITE 206, OAKLAND, CALIFORNIA 94612 on THURSDAY -- JULY 10, 2003, at the hour of 1:00 PM, or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission 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 and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: JUNE 7, 2003

By David B. Seals
DAVID B. SEALS, Counsel
(D.B.)

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

FILED
APR 10 2003

DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

ORCHARD VALLEY REALTORS and
PAUL LEONARD SJOBLOM,

} Case No. H-1472 FR

} OAH No. N2001040310

Shelley Ely

Respondents

**THIRD CONTINUED
NOTICE OF HEARING ON ACCUSATION**

To the above named respondents:

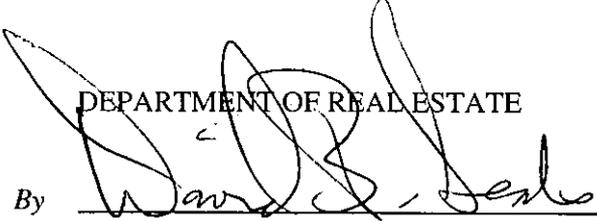
You are hereby notified that a hearing will be held before the Department of Real Estate at **THE OFFICE OF ADMINISTRATIVE HEARINGS, THE ELIHU HARRIS STATE BUILDING, 1515 CLAY STREET, SUITE 206, OAKLAND, CALIFORNIA 94612** on **WEDNESDAY--MAY 28, 2003**, at the hour of **1:30 P.M.**, or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission 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 and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

Dated: APRIL 10, 2003

DEPARTMENT OF REAL ESTATE
By 
DAVID B. SEALS, Counsel

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
FEB 18 2003

DEPARTMENT OF REAL ESTATE

By Shelly [Signature]

In the Matter of the Accusation of

ORCHARD VALLEY REALTORS and
PAUL LEONARD SJOBLUM,

Case No. H-1472 FR

OAH No. N2001040310

Respondents

SECOND CONTINUED
NOTICE OF HEARING ON ACCUSATION

To the above named respondents:

You are hereby notified that a hearing will be held before the Department of Real Estate at **THE OFFICE OF ADMINISTRATIVE HEARINGS, THE ELIHU HARRIS STATE BUILDING, 1515 CLAY STREET, SUITE 206, OAKLAND, CALIFORNIA 94612** on **THURSDAY -- MARCH 27, 2003**, at the hour of **9:00 AM**, or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission 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 and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: FEBRUARY 18, 2003

By David B. Seals
DAVID B. SEALS,, Counsel (S.E.)

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

FILED
NOV 12 2002

DEPARTMENT OF REAL ESTATE

By Shelly Ely

In the Matter of the Accusation of

ORCHARD VALLEY REALTORS AND
PAUL LEONARD SJOBLOM,

Case No. H-1472 FR

OAH No. N2001040310

Respondent

**FIRST CONTINUED
NOTICE OF HEARING ON ACCUSATION**

To the above named respondents:

You are hereby notified that a hearing will be held before the Department of Real Estate at the **OFFICE OF ADMINISTRATIVE HEARINGS, THE ELIHU HARRIS STATE BUILDING, 1515 CLAY STREET, SUITE 206, OAKLAND, CALIFORNIA 94612** on **FRIDAY--FEBRUARY 7, 2003**, at the hour of **9:00 A.M.**, or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission 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 and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

Dated: NOVEMBER 12, 2002

DEPARTMENT OF REAL ESTATE
By David B. Seals
DAVID B. SEALS, Counsel

1 DAVID B. SEALS, Counsel (SBN 69378)
2 Department of Real Estate
3 P. O. Box 187000
4 Sacramento, CA 95818-7000
5 Telephone: (916) 227-0789
6 -or- (916) 227-0792 (Direct)

FILED
SEP 12 2002
DEPARTMENT OF REAL ESTATE
By Shelly Ely

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 ORCHARD VALLEY REALTORS AND,) NO. H-1472 FRESNO
13 PAUL LEONARD SJOBLUM,) FIRST AMENDED
14 Respondents.) ACCUSATION

15
16 The Complainant, John W. Sweeney, a Deputy Real Estate
17 Commissioner of the State of California for cause of Accusation
18 against ORCHARD VALLEY REALTORS (hereinafter "Respondent
19 ORCHARD") and PAUL LEONARD SJOBLUM (hereinafter "Respondent
20 SJOBLUM") is informed and alleges as follows:

21 I

22 The Complainant, John W. Sweeney, a Deputy Real Estate
23 Commissioner of the State of California, makes this Accusation in
24 her official capacity.

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II

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

- a. Respondent ORCHARD as a corporate real estate broker dba Sierra Property Management.
- b. Respondent SJOBLOM as the designated officer of Respondent ORCHARD.

III

Beginning on or about July 17, 2000 and continuing through the present, Respondents ORCHARD and SJOBLOM have failed to retain and make available for examination and inspection by a designated representative of the Commissioner, documents executed or obtained by Respondents in connection with transactions for which a real estate license is required, including but not limited to the following:

For the period July 1, 1997 to June 30, 2000 regarding the trust fund handling and record keeping for their property management activities for Sierra Property Management all bank statements, checks disbursed and posted to bank statements, duplicate deposit tickets, cash receipts and disbursements journals (or check registers), individual property records or ledgers, reconciliations, and management contracts with owners.

IV

On July 17, 2000 a subpoena duces tecum was personally served on Respondent SJOBLOM to produce the documents and records outlined in Paragraph III above. Said records were to be

1 delivered by July 31, 2000 but to the present have not been
2 delivered or received in any manner by the Department.

3 V

4 On July 10, 2001 a second subpoena duces tecum was
5 personally served on Respondent SJOBLOM to produce the documents
6 and records outlined in Paragraph III above. Said records were to
7 be delivered by August 14, 2001 at his place of business at 4100
8 Moorpark Avenue in San Jose, California but to the present have
9 not been delivered or received in any manner by the Department.

10 VI

11 The facts alleged above are grounds for suspension or
12 revocation of Respondents licenses and license rights under
13 Section 10177(d) of the Code in conjunction with Section 10148 of
14 the Code.

15 WHEREFORE, Complainant prays that a hearing be
16 conducted on the allegations of this Accusation and that upon
17 proof thereof, a decision be rendered imposing disciplinary
18 action against all licenses and license rights of Respondents,
19 and both of them, under the Real Estate Law (Part 1 of Division 4
20 of the Business and Professions Code), and for such other and
21 further relief as may be proper under other provisions of law.

22
23
24 
25 JOHN W. SWEENEY
Deputy Real Estate Commissioner

26 Dated at Fresno, California,
27 this 6th day of September, 2002.

1 DAVID B. SEALS, Counsel (SBN 69378)
2 Department of Real Estate
3 P. O. Box 187000
4 Sacramento, CA 95818-7000
5 Telephone: (916) 227-0789
6 -or- (916) 227-0792 (Direct)

FILED
MAR - 9 2001

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

8 BEFORE THE
9 DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)
13 ORCHARD VALLEY REALTORS, and) NO. H-1472 FRESNO
14 PAUL LEONARD SJOBLUM,)
15 Respondents.) ACCUSATION

16
17 The Complainant, M. Dolores Ramos, a Deputy Real
18 Estate Commissioner of the State of California for cause of
19 Accusation against ORCHARD VALLEY REALTORS (hereinafter
20 "Respondent ORCHARD") and PAUL LEONARD SJOBLUM (hereinafter
21 "Respondent SJOBLUM") is informed and alleges as follows:

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23 The Complainant, M. Dolores Ramos, a Deputy Real
24 Estate Commissioner of the State of California, makes this
25 Accusation in her official capacity.

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II

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

- a. Respondent ORCHARD as a corporate real estate broker dba Sierra Property Management.
- b. Respondent SJOBLUM as the designated officer of Respondent ORCHARD.

III

Beginning on or about July 17, 2000 and continuing through the present, Respondents ORCHARD and SJOBLUM have failed to retain and make available for examination and inspection by a designated representative of the Commissioner, documents executed or obtained by Respondents in connection with transactions for which a real estate license is required, including but not limited to the following:

For the period July 1, 1997 to June 30, 2000 regarding the trust fund handling and record keeping for their property management activities for Sierra Property Management all bank statements, checks disbursed and posted to bank statements, duplicate deposit tickets, cash receipts and disbursements journals (or check registers), individual property records or ledgers, reconciliations, and management contracts with owners.

IV

On July 17, 2000, a subpoena duces tecum was personally served on Respondent SJOBLUM to produce the documents and records outlined in Paragraph III above. Said records were to be

1 delivered by July 31, 2000 but to the present have not been
2 delivered or received in any manner by the Department.

3 V

4 The facts alleged above are grounds for suspension or
5 revocation of Respondents licenses and license rights under
6 Section 10177(d) of the Code in conjunction with Section 10148 of
7 the Code.

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

15
16
17
18 *M. Dolores Ramos*

19 M. DOLORES RAMOS
Deputy Real Estate Commissioner

20 Dated at Fresno, California,
21 this 1st day of March, 2001.

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