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FILED

JUN -7 1990

DEPARTMENT OF REAL ESTATE

BY *Blay*

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)
BRUCE CLAUDE FORSYTH,)
Respondent.)
_____)

No. H-22623 LA

ORDER DENYING REINSTATEMENT OF LICENSE

On March 3, 1987, a Decision was rendered herein, effective March 26, 1987, revoking the real estate broker license of BRUCE CLAUDE FORSYTH (hereinafter respondent), but granting him the right to the issuance of a restricted real estate broker license pursuant to Section 10156.5 of the California Business and Professions Code (hereinafter Code).

Upon his application and payment of fees, respondent was issued a restricted real estate broker license on or about May 21, 1987.

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1 entitled Charles A. Wilson v. Forsyth Realty Inc., et al. It was
2 only after being served this lawsuit and putting Wilson to certain
3 legal expenses that respondent, on or about February 3, 1989,
4 finally paid Wilson all the money that respondent had misappro-
5 priated some years ealier.

6 2.

7 Considering the facts set forth, above, which recite
8 respondent's history of acts and conduct substantially related to
9 the qualifications, functions and duties of a real estate licensee,
10 and in light of the seriousness of the conduct resulting in the
11 revocation of respondent's license, and considering the
12 unconscionable length of time respondent took to repay Charles A.
13 Wilson, an insufficient period of time has passed to warrant
14 reinstatement of respondent's real estate broker license at this
15 time (Section 2911(a), Title 10, Chapter 6, California
16 Administrative Code).

17 3.

18 In Question 6 of his petition for reinstatement,
19 respondent was asked "Have you been a defendant in any civil
20 litigation since your license was disciplined?". Respondent
21 indicated "No". Whereas, in truth and in fact, respondent was
22 named as a defendant in an action filed July 3, 1989, in the
23 Municipal Court of California, County of Ventura, entitled
24 James J. Clark v. Bruce C. Forsyth, et al and respondent was named
25 as a defendant in an action filed December 30, 1988, in the
26 Ventura County Municipal Court, Small Claims Division by
27 Vineyard Gardens HOA claiming that respondent failed to file

1 income tax returns for Plaintiff while he was acting as their
2 managing agent.

3 4.

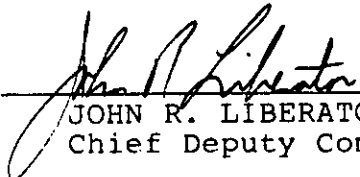
4 Respondent's material misstatement of fact in the course
5 of attempting to procure the reinstatement of his real estate
6 broker license, as set forth in Paragraph 3, manifests a lack of
7 honesty and truthfulness and is a basis for denial of respondent's
8 petition for reinstatement of license under Sections 480(c) and
9 10177(a) of the Code.

10 NOW, THEREFORE, IT IS ORDERED that respondent's petition
11 for reinstatement of his real estate broker license is denied.

12 This Order shall become effective at 12 o'clock noon
13 on June 27, 1990.

14 DATED: June 4, 1990.

JAMES A. EDMONDS, JR.
Real Estate Commissioner

17 by: 
18 JOHN R. LIBERATOR
19 Chief Deputy Commissioner

20
21
22
23
24
25
26 cc: Bruce Claude Forsyth
27 3001 Lee Place
Oxnard, CA 93035

FILED

MAR-6 1987

DEPARTMENT OF REAL ESTATE
BY K. Mederholt

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)
)
 FORSYTH REALTY, INCORPORATED,)
 a California Corporate Broker)
 dba Forsyth Realty, Real Estate)
 Headquarters and A-1 Property)
 Management; ROSEMARIE FORSYTH,)
 as designated officer of)
 Forsyth Realty, Incorporated;)
 and BRUCE CLAUDE FORSYTH,)
)
 Respondents.)
)
)

No. H-22623 LA

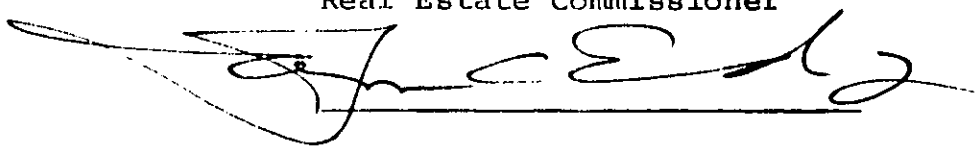
DECISION

The Proposed Decision dated February 17, 1987, of Robert Arnold, Regional Manager, Department of Real Estate, 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 March 26, 1987.

IT IS SO ORDERED 3-3-87

JAMES A. EDMONDS, JR.
Real Estate Commissioner



DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of) No. H-22623 LA
)
FORSYTH REALTY, INCORPORATED,)
a California Corporate Broker,)
dba Forsyth Realty, Real Estate)
Headquarters and A-1 Property)
Management; ROSEMARIE FORSYTH,)
as designated officer of)
Forsyth Realty, Incorporated;)
and BRUCE CLAUDE FORSYTH,)
)
Respondents.)
)

PROPOSED DECISION

This matter was presided over by Robert Arnold, Regional Manager, Department of Real Estate, as the designee of the Real Estate Commissioner, in Los Angeles, California, on February 17, 1987.

Sean Crahan, Counsel, represented the Complainant. Respondents FORSYTH REALTY, INCORPORATED, ROSEMARIE FORSYTH and BRUCE CLAUDE FORSYTH were represented by their attorney, Vaughn Taus, of Cohen, England and Whitfield.

The matter was submitted upon a written Stipulation entered into by and between the parties hereto. Pursuant to the said Stipulation, the following findings of fact and determination of issues are made and the following Decision and Order are proposed, certified and recommended for adoption:

FINDINGS OF FACT

I

Randolph Brendia made the Accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California.

II

FORSYTH REALTY, INCORPORATED (hereinafter referred to as respondent FRI) is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the California Business and Professions Code, hereinafter cited as the B & P Code). At all times herein mentioned, respondent FRI

was licensed by the Department of Real Estate of the State of California (hereinafter the Department) as a corporate real estate broker dba Forsyth Realty, Real Estate Headquarters and A-1 Property Management.

III

ROSEMARIE FORSYTH (hereinafter referred to as respondent R. FORSYTH) is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the B & P Code). At all times herein mentioned, respondent R. FORSYTH was licensed by the Department as a real estate broker and as designated officer of FRI.

IV

BRUCE CLAUDE FORSYTH (hereinafter referred to as respondent B. FORSYTH) is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the B & P Code). At all times herein mentioned, respondent B. FORSYTH was licensed by the Department as a real estate broker and as officer licensed to respondent FRI.

V

At all times herein mentioned Charles A. Wilson (hereafter Wilson) was the owner of real property located at 4735 Alexander, Oxnard, California (hereafter the Property). On or about September 4, 1980, Wilson employed respondent FRI to act as his agent in expectation of compensation to solicit tenants to rent the Property, to collect rents from tenants residing on the Property and to hold said rents in trust for him.

VI

Respondent FRI, through its officers, agents and employees including but not limited to respondent B. FORSYTH, accepted said employment from Wilson. Acting within the scope of employment as described above in paragraph V, respondent FRI, through its officers, agents and employees, including but not limited to respondents B. FORSYTH and R. FORSYTH, solicited tenants for and collected rents from tenants residing on the property from September 4, 1980, through on or about August 13, 1985. During this time respondent FRI, through its officers, agents and employees including but not limited to respondents B. FORSYTH and R. FORSYTH, received and held tenants' rent from the Property in trust for the benefit of Wilson.

VII

Between October 1982 through January 1983, respondent B. FORSYTH withdrew approximately \$7,000 in trust funds from trust without instructions of Wilson.

VIII

Between August 1983 through December 1984, respondent B. FORSYTH withdrew approximately \$15,000 in trust funds from trust without instructions of Wilson. Respondents were jointly and severally accountable to Wilson for said funds. Respondents have repaid all such funds to Wilson.

IX

Prior to January 1985, respondent B. FORSYTH jointly and severally failed to disclose to Wilson that trust funds belonging to him were from time to time being withdrawn from the trust account.

X

Respondent R. FORSYTH was at all times hereinabove designated officer of respondent FRI and as such was responsible for the supervision and control of the activities conducted on behalf of respondent FRI by its officers and employees in the performance of acts for which a real estate license is required. Respondent R. FORSYTH failed to exercise reasonable supervision so as to prevent the withdrawals of Wilson's trust funds as found above.

DETERMINATION OF ISSUES

Based on the foregoing findings of fact, the following determination of issues is hereby made:

I

Cause for disciplinary action exists against the real estate licenses and license rights of Respondent BRUCE CLAUDE FORSYTH pursuant to California Business and Professions Code (B&P) Section 10177(d) for willful violation of B&P Code Section 10145, California Administrative Code.

II

Cause for disciplinary action exists against the real estate licenses and license rights of Respondent FORSYTH REALTY, INCORPORATED pursuant to B&P Code Section 10177(d) for willful violations of B&P Code Section 10145.

III

Cause for disciplinary action exists against the real estate licenses and license rights of Respondent ROSEMARIE FORSYTH pursuant to B&P Code Section 10177(h).

ORDER

WHEREFORE, the following order is hereby made pursuant to the written Stipulation of the parties:

I

All licenses and license rights of respondent BRUCE CLAUDE FORSYTH under the provisions of Part 1 of Division 4 of the Business and Professions Code are hereby revoked.

However, respondent BRUCE CLAUDE FORSYTH shall be entitled to apply for and be issued a restricted real estate broker license pursuant to Section 10156.5 of the B&P Code, after the effective date of the Decision herein, if respondent makes application therefor, and pays to the Department of Real Estate the appropriate fee for said license within one hundred and eighty (180) days from the effective date of the Decision herein. The restricted license issued to respondent B. FORSYTH 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 said Code:

A. The restricted license may be suspended prior to hearing by Order of the Real Estate Commissioner in the event of respondent's conviction (including conviction on a plea of nolo contendere) of a crime which bears a significant relation to respondent's fitness or capacity as a real estate licensee.

B. The restricted license may be suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that, subsequent to the effective date of this Decision, respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to said restricted license.

C. Respondent shall, within nine (9) months from the effective date of the Decision, present evidence satisfactory to the Real Estate Commissioner that he 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 Real Estate Law for renewal of a real estate license. 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.

D. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor the removal of any of the conditions, limitations or restrictions of the restricted license until two years have elapsed from the date of issuance of the restricted license.

E. Respondent shall obey all laws of the United States, the State of California and its political subdivisions, and shall further obey and comply with all rules and regulations of the Real Estate Commissioner.

F. Respondent shall report in writing to the Department of Real Estate as the Commissioner shall direct by his decision herein or 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.

II

The license and license rights under the provisions of Part 1 of Division 4 of the Business and Professions Code of Respondent FORSYTH REALTY, INCORPORATED are suspended for thirty (30) days provided, however, that execution of said Order is hereby stayed on the condition that no further cause for disciplinary action against the real estate license or license rights of Respondent FRI shall occur within one (1) year from the effective date of this Decision.

If it is determined pursuant to the Administrative Procedure Act that further cause for disciplinary action against the real estate license or license rights of Respondent has occurred within one (1) year from the effective date of this Decision, the stay of suspension hereby granted, or such portion thereof as the Real Estate Commissioner shall deem to be appropriate, shall be vacated.

If no further cause for disciplinary action against the real estate license or license rights of Respondent shall occur within one (1) year from the effective date of this Decision, the stay hereby granted shall become permanent.


III

The license and license rights under the provisions of Part 1 of Division 4 of the Business and Professions Code of Respondent ROSEMARIE FORSYTH are suspended for thirty (30) days provided, however, that execution of said Order is hereby stayed on the condition that no further cause for disciplinary action against the real estate license or license rights of Respondent has occurred within one (1) year from the effective date of this Decision.

IF it is determined pursuant to the Administrative Procedure Act that further cause for disciplinary action against the real estate license or license rights of Respondent has occurred within one (1) year from the effective date of this Decision, the stay of suspension hereby granted, or such portion thereof as the Real Estate Commissioner shall deem to be appropriate, shall be vacated.

IF no further cause for disciplinary action against the real estate license or license rights of Respondent shall occur within one (1) year from the effective date of this Decision, the stay hereby granted shall become permanent.

DATED: Feb. 11, 1987



ROBERT ARNOLD
Regional Manager
Department of Real Estate

*Sacto
Glag*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

10 15 86

In the Matter of the Accusation of
FORSYTH REALTY INC.,
Respondent(s)

K. Niederholt
Case No. H-22623 LA
L-38087

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 West First Street, Los Angeles, CA 90012

on the 19th & 20th day of February, 1987, 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.

DATED: October 15, 1986

cc: Forsyth Realty Inc.
Stanley Cohen, Esq.
Sacto.
OAH
ECD

JAMES A. EDMONDS, JR.
DEPARTMENT OF REAL ESTATE
By *[Signature]*
Counsel

*Sacts
Glag*

1 SEAN CRAHAN, Counsel
2 Department of Real Estate
3 107 South Broadway, Room 8107
4 Los Angeles, California 90012
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6
7
8
9
10 (213) 620-4790

FILED

JUL 25 1986

DEPARTMENT OF REAL ESTATE
BY *R. Wellerholt*

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

11	In the Matter of the Accusation of)	No. H-22623 LA
12	FORSYTH REALTY, INCORPORATED,)	<u>A C C U S A T I O N</u>
13	a California Corporate Broker,)	
14	dba Forsyth Realty, Real Estate)	
15	Headquarters and A-1 Property)	
16	Management; ROSEMARIE FORSYTH,)	
17	as designated officer of)	
	Forsyth Realty, Incorporated;)	
	and BRUCE CLAUDE FORSYTH,)	
	Respondents.)	

18 The Complainant, Randolph Brendia, a Deputy Real
19 Estate Commissioner of the State of California, for cause of
20 accusation against FORSYTH REALTY, INCORPORATED, a California
21 Corporate Broker, dba Forsyth Realty, Real Estate Headquarters and
22 A-1 Property Management; ROSEMARIE FORSYTH, as designated officer
23 of Forsyth Realty, Incorporated; and BRUCE CLAUDE FORSYTH,
24 alleges as follows:

1.

26 The Complainant, Randolph Brendia, a Deputy Real
27 Estate Commissioner of the State of California, makes this

1 Accusation in his official capacity.

2 2.

3 FORSYTH REALTY, INCORPORATED (hereinafter referred to
4 as respondent FRI) is presently licensed and/or has license
5 rights under the Real Estate Law (Part 1 of Division 4 of the
6 California Business and Professions Code, hereinafter cited as
7 the B & P Code). At all times herein mentioned, respondent FRI
8 was licensed by the Department of Real Estate of the State of
9 California (hereinafter the Department) as a corporate real
10 estate broker dba Forsyth Realty, Real Estate Headquarters and
11 A-1 Property Management.

12 3.

13 ROSEMARIE FORSYTH (hereinafter referred to as respondent
14 R. FORSYTH) is presently licensed and/or has license rights under
15 the Real Estate Law (Part 1 of Division 4 of the B & P Code). At
16 all times herein mentioned, respondent R. FORSYTH was licensed by
17 the Department as a real estate broker and as designated officer
18 of respondent FRI.

19 4.

20 BRUCE CLAUDE FORSYTH (hereinafter referred to as
21 respondent B. FORSYTH) is presently licensed and/or has license
22 rights under the Real Estate Law (Part 1 of Division 4 of the
23 B & P Code). At all times herein mentioned, respondent B. FORSYTH
24 was licensed by the Department as a real estate broker and as
25 officer licensed to respondent FRI.

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5.

At all times herein mentioned Charles A. Wilson (hereafter Wilson) was the owner of real property located at 4735 Alexander, Oxnard, California (hereafter the Property). On or about September 4, 1980, Wilson employed respondent FRI to act as his agent in expectation of compensation to solicit tenants to rent the Property, to collect rents from tenants residing on the Property and to hold said rents in trust for him.

6.

Respondent FRI, through its officers, agents and employees including but not limited to respondent B. FORSYTH, accepted said employment from Wilson. Acting within the scope of employment as described above in paragraph 5, respondent FRI, through its officers, agents and employees, including but not limited to respondents B. FORSYTH and R. FORSYTH, solicited tenants for and collected rents from tenants residing on the property from September 4, 1980, through on or about August 13, 1985. During this time respondent FRI, through its officers agents and employees including but not limited to respondents B. FORSYTH and R. FORSYTH, received and held tenants' rent from the Property in trust for the benefit of Wilson.

7.

Between October 1982 through January 1983, respondents jointly and severally withdrew approximately \$7,000 in trust funds from trust without or contrary to instructions of Wilson. Respondents jointly and severally commingled said trust funds with their own funds or property. Respondents jointly and severally

1 used said funds for their own use and benefit. Respondent were
2 jointly and severally accountable to Wilson for said funds
3 continuously until January 1985 at which time respondents made
4 restitution to Wilson.

5 8.

6 Between August 1983 through December 1984, respondents
7 jointly and severally withdrew approximately \$15,000 in trust
8 funds from trust without or contrary to instructions of Wilson.
9 Respondents jointly and severally used said funds for their own
10 use and benefit. Respondents are jointly and severally accountable
11 to Wilson for said funds.

12 9.

13 Prior to January 1985, respondents jointly and severally
14 failed to disclose to Wilson that trust funds belonging to him
15 were from time to time being converted to their own use and
16 benefit. Said non-disclosures constitute the making of substan-
17 tial misrepresentations and fraud or dishonest dealing.

18 10.

19 Respondent R. FORSYTH was at all times hereinabove
20 designated officer of respondent FRI and as such was responsible
21 for the supervision and control of the activities conducted on
22 behalf of respondent FRI by its officers and employees in the
23 performance of acts for which a real estate license is required.
24 Respondent R. FORSYTH failed to exercise reasonable supervision
25 so as to prevent the conversions of Wilson's trust funds as
26 alleged above.

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11.

The conduct or omissions hereinabove alleged subject the real estate licenses and license rights of respondents FRI, R. FORSYTH and B. FORSYTH to suspension or revocation under the following provisions of the B & P Code:

1. Section 10177(d) for willful omission to comply with B & P Code Section 10145 with respect to disbursing trust funds without or contrary to Wilson's instructions.

2. Section 10176(i) for fraud or dishonest dealing in connection with the conversion of Wilson's trust funds;

3. Section 10176(a) for the making of substantial misrepresentations in not disclosing to Wilson the conversion of trust funds.

4. Section 10177(h) for respondent B. FORSYTH'S failure to exercise reasonable supervision over the activities of officers and employees of respondent FRI.

12.


The conduct or omissions, including the disposition of trust funds held for Wilson, by respondent B. FORSYTH subjects his real estate licenses and license rights to suspension or revocation under the provisions of B & P Code Sections 10177(f) and 10177(j) in the event respondent B. FORSYTH'S conduct or omissions were not within the scope of activities for which a real estate license was required.

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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 respondents FORSYTH REALTY, INCORPORATED, a California Corporate Broker, dba Forsyth Realty, Real Estate Headquarters and A-1 Property Management; ROSEMARIE FORSYTH, as designated officer of Forsyth Realty, Incorporated; and BRUCE CLAUDE FORSYTH, under the Real Estate Law and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Los Angeles, California
this 25th day of July, 1986.


Deputy Real Estate Commissioner

cc: Forsyth Realty, Incorporated
Rosemarie Forsyth
Bruce Claude Forsyth
Sacto.
EGD