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FILED
MAY 11 2000

DEPARTMENT OF REAL ESTATE

By Shelly Ely

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
A BETTER PROPERTY MANAGEMENT)	No. H-23097 LA
COMPANY, INC.,)	H-24560 LA
STEVEN BLAKE MOFFETT,)	H-24570 LA
Respondents.)	

ORDER GRANTING REINSTATEMENT OF LICENSE

On January 7, 1992, an Order was rendered herein revoking the real estate broker licenses of Respondents but granting Respondents the right to apply for restricted real estate broker licenses upon terms and conditions. Restricted real estate broker licenses were issued to Respondents on March 5, 1992 and Respondents have operated as restricted licensees without cause for disciplinary action against Respondents since that time.

On August 31, 1998, Respondent Moffett petitioned for reinstatement of his broker license and on March 9, 2000, for reinstatement of A Better Property Management Company, Inc.'s corporate real estate broker license. The Attorney General of

1 the State of California has been given notice of the filing of
2 said petitions.

3 I have considered the petitions of Respondents and the
4 evidence and arguments in support thereof including Respondents'
5 records as restricted licensees. Respondents have demonstrated
6 to my satisfaction that they meet the requirements of law for the
7 issuance to them of unrestricted real estate broker licenses and
8 that it would not be against the public interest to issue said
9 licenses to Respondents.

10 NOW, THEREFORE, IT IS ORDERED that Respondents'
11 petitions for reinstatement are granted and that real estate
12 broker licenses be issued to them if they satisfy the following
13 condition within nine months from the date of this Order:

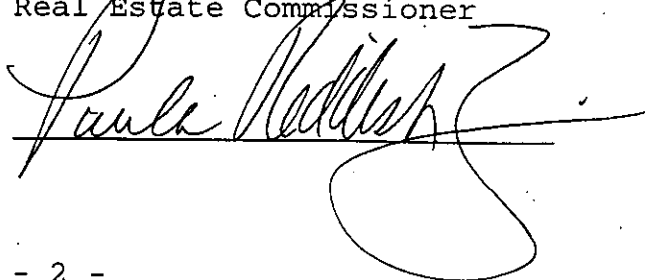
14 1. Within 120 days of this Order, submittal of a
15 completed applications and payment of the fees for real estate
16 broker licenses.

17 2. Submittal of evidence of Respondent Moffett having,
18 since the most recent issuance of an original or renewal real
19 estate license, taken and successfully completed the continuing
20 education requirements of Article 2.5 of Chapter 3 of the Real
21 Estate Law for renewal of a real estate license.

22 This Order shall be effective immediately.

23 DATED: May 4, 2000

24 PAULA REDDISH ZINNEMANN
25 Real Estate Commissioner

26 
27

1 Department of Real Estate
107 South Broadway, Room 8107
2 Los Angeles, CA 90012
3 (213) 897-3937

RECEIVED
JAN 13 1992

DEPARTMENT OF REAL ESTATE
Laura B. Crane

9 DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * * *

11 In the Matter of the Accusation of) NO. H-24570 LA
12)
12 A BETTER PROPERTY MANAGEMENT) STIPULATION AND AGREEMENT
13 COMPANY, INC., a corporation,) IN SETTLEMENT AND ORDER
13 dba A Better Property Management,)
14 Company, A Better Real Estate)
14 Company, a Better Realty)
15 Company; and STEVEN BLAKE MOFFETT,)
15 individually and as designated,)
16 officer of A Better Property)
16 Management Company, Inc.)
17)
17 Respondents.)
18)

19 It is hereby stipulated by and between A BETTER
20 PROPERTY MANAGEMENT COMPANY, INC., a corporation, dba A Better
21 Property Management Company, A Better Real Estate Company, a
22 Better Realty Company; and STEVEN BLAKE MOFFETT, individually
23 and as designated officer of A Better Property Management
24 Company, Inc., (sometimes referred to as respondents) and the
25 Complainant, acting by and through Elliott Mac Lennan, Counsel
26 for the Department of Real Estate, as follows for the purpose of
27

1 settling and disposing of the Accusation filed on July 5, 1991
2 in this matter:

3 1. All issues which were to be contested and all
4 evidence which was to be presented by Complainant and
5 respondents at a formal hearing on the Accusation, which hearing
6 was to be held in accordance with the provisions of the
7 Administrative Procedure Act (APA), shall instead and in place
8 thereof be submitted solely on the basis of the provisions of
9 this Stipulation.

10 2. Respondents have received, read and understand the
11 Statement to Respondent, the Discovery Provisions of the APA and
12 the Accusation filed by the Department of Real Estate in this
13 proceeding.

14 3. On July 20, 1991, respondents filed a Notice of
15 Defense pursuant to Section 11505 of the Government Code for the
16 purpose of requesting a hearing on the allegations in the
17 Accusation. Respondents hereby freely and voluntarily withdraw
18 said Notice of Defense. Respondents acknowledge that they
19 understand that by withdrawing said Notice of Defense they
20 thereby waive their right to require the Commissioner to prove
21 the allegations in the Accusation at a contested hearing held in
22 accordance with the provisions of the APA and that they will
23 waive other rights afforded to them in connection with the
24 hearing such as the right to present evidence in defense of the
25 allegations in the Accusation and the right to cross-examine
26 witnesses.
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4. Respondents, pursuant to the limitations set forth below, hereby admit that the factual allegations in Paragraphs III through XI of the Accusation filed in this proceeding are true and correct and the Real Estate Commissioner shall not be required to provide further evidence of such allegations.

5. This Stipulation is based on respondents' decision not to contest the allegations set forth in the Accusation as a result of the agreement negotiated between the parties. This Stipulation and the finding, express or implied, based on respondents' decision not to contest the Accusation, are made expressly limited to this proceeding and any further proceeding initiated by or brought before the Department of Real Estate based upon the facts and circumstances alleged in the Accusation, and made for the sole purpose of reaching an agreed disposition of this proceeding. The decision of respondents not to contest the factual statements alleged, and as contained in the stipulated Order, are made solely for the purpose of effectuating this Stipulation. It is the intent and understanding of the parties that this Stipulation and Order shall not be binding or admissible against respondents in any actions against respondents by third parties.

6. It is understood by the parties that the Real Estate Commissioner may adopt the Stipulation as his decision in this matter thereby imposing the penalty and sanctions on respondents' real estate licenses and license rights as set forth in the "Order" hereinbelow. In the event that the Commissioner in his discretion does not adopt the Stipulation,

1 it shall be void and of no effect, and respondents shall retain
2 the right to a hearing and proceeding on the Accusation under
3 the provisions of the APA and shall not be bound by any
4 admission or waiver made herein.
5

6 7. The Order or any subsequent Order of the Real
7 Estate Commissioner made pursuant to this Stipulation shall not
8 constitute an estoppel, merger or bar to any further
9 administrative or civil proceedings by the Department of Real
10 Estate with respect to any matters which were not specifically
11 alleged to be causes for accusation in this proceeding.

12 DETERMINATION OF ISSUES

13 By reason of the foregoing stipulations, admissions
14 and waivers and solely for the purpose of settlement of the
15 pending Accusation without a hearing, it is stipulated and
16 agreed that the following determination of issues shall be made:

17 I

18 The conduct of respondent A BETTER PROPERTY MANAGEMENT
19 COMPANY, INC., in in permitting a deficit to accumulate in four
20 of its trust accounts to wit:

- 21 1. Better Property Management Co. Inc.
Trust Account I (T/F #1)
Account No. 412-018605
- 22 2. Better Property Management Co. Inc.
Trust Account II (T/F #2)
23 Account No. 412-016149
- 24 3. Better Property Management Co. Inc.
Marinow Trust Account (Marinow T/F)
25 Account No. 412-018130
- 26 4. Better Property Management Co. Inc.
Blair Trust Account (Blair T/F)
27 Account No. 412-017943

1 constitutes a violation of Section 10145 of the Code and Section
2 2832.1 of the Regulations and is cause to suspend or revoke the
3 real estate license and license rights of respondent A BETTER
4 PROPERTY MANAGEMENT COMPANY, INC., under the provisions of
5 Section 10177(d) of the Code.

6
7 II

8 The conduct of respondent STEVEN BLAKE MOFFETT, in
9 failing to supervise A BETTER PROPERTY MANAGEMENT COMPANY, INC.,
10 who permitted a deficit to accumulate in four of its trust
11 accounts and for failing to initial the residential lease
12 agreements written by Judith Louise Williams, a real estate
13 salesperson constitutes a violation of Sections 2832.1 and 2725
14 of the Regulations and Section 10145 of the Code respectively
15 and is cause to suspend or revoke the real estate license and
16 license rights of respondent STEVEN BLAKE MOFFETT under the
17 provisions of Section 10177(d) and 10177(h) of the Code.

18 ORDER

19 WHEREFORE THE FOLLOWING ORDER IS MADE PURSUANT TO THE
20 WRITTEN STIPULATION OF THE PARTIES:

21 I

22 The corporate real estate broker license and all
23 licensing rights under the provisions of Part 1 of Division 4 of
24 the Business and Professions Code of respondent A BETTER
25 PROPERTY MANAGEMENT COMPANY, INC., are hereby revoked.

26 However, respondent A BETTER PROPERTY MANAGEMENT
27 COMPANY, INC., shall be entitled to apply for and shall be
issued a restricted corporate real estate broker license if

1 respondent makes application therefor and pays to the Department
2 the appropriate fee for said license within ninety (90) days
3 from the effective date of the Decision herein.
4

5 The restricted license issued to respondent A BETTER
6 PROPERTY MANAGEMENT COMPANY, INC., shall be subject to all of
7 the provisions of Section 10156.7 of the Business and
8 Professions Code and the following limitations, conditions and
9 restrictions imposed under authority of Section 10156.6 of the
10 Code:

11 A. The restricted license may be suspended after
12 hearing by Order of the Real Estate Commissioner in the event of
13 respondent's conviction (including conviction on a plea of nolo
14 contendere) to a crime which bears a substantial relationship to
15 respondent's fitness or capacity as a real estate licensee.

16 B. The restricted license may be suspended after
17 hearing by Order of the Real Estate Commissioner on evidence
18 satisfactory to the Commissioner that respondent has violated
19 provisions of the California Real Estate Law (other than the
20 violations specified in the Accusation), the Subdivided Lands
21 Law, Regulations of the Real Estate Commissioner or conditions
22 attaching to said restricted license.

23 C. Respondent A BETTER PROPERTY MANAGEMENT COMPANY,
24 INC., shall obey all laws of the United States, the State of
25 California and its political subdivisions, and shall further
26 obey and comply with all rules and regulations of the Real
27 Estate Commissioner.

1 D. Respondent A BETTER PROPERTY MANAGEMENT COMPANY,
2 INC., shall report in writing to the Department of Real Estate
3 as the Commissioner shall direct by his decision herein or by
4 separate written order issued while the restricted license is in
5 effect, such information concerning respondent's activities for
6 which a real estate license is required as the Commissioner
7 shall deem to be appropriate to protect the public interest.
8 Respondent shall also allow the Department to conduct an
9 examination of respondent's books and records relating to its
10 activities requiring a real estate license upon request therefor
11 by the Department.

12 E. Respondent shall not be eligible to apply for the
13 issuance of an unrestricted real estate license nor the removal
14 of any of the conditions, limitations or restrictions of the
15 restricted license until at least one year has elapsed from the
16 effective date of the Decision.

17 II

18 The real estate broker license and license rights of
19 respondent STEVEN BLAKE MOFFETT under the Real Estate Law (Part
20 1 of Division 4 of the Business and Professions Code) are hereby
21 revoked.

22 However, respondent STEVEN BLAKE MOFFETT shall be
23 entitled to apply for and be issued a restricted real estate
24 broker license if he makes application therefor and pays to the
25 Department of Real Estate the appropriate fee for said license
26 within ninety (90) days of the effective date of the Decision
27 herein.

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The restricted real estate broker license issued to
respondent shall be subject to all of the provisions of Section
10156.7 of the Business and Professions Code and the following
limitations, conditions and restrictions imposed under authority
of Section 10156.6 of the 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 of a plea of nolo
contendere) to a crime which bears a significant relationship 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 respondent has, after the
effective date of the Order herein, 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 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.

D. Respondent shall not be eligible 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 at least one year has elapsed from the effective
date of the Decision.

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E. Respondent shall by June 27, 1992, 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 the restricted license until respondent passes the examination.

F. Respondent shall by January 27, 1992, 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 shall afford respondent the opportunity for hearing pursuant to the Administrative Procedure Act to present such evidence.

DATED: 12-19-91

Elliott Mac Lennan
ELLIOTT MAC LENNAN
Counsel for Complainant

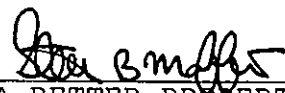
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* * * *

I have read the Stipulation In Settlement and Order, have discussed it with my 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.

DATED: 12/17/91


A BETTER PROPERTY MANAGEMENT
COMPANY, INC.
By: STEVEN BLAKE MOFFETT, D.O.
Respondent

DATED: 12/17/91


STEVEN BLAKE MOFFETT, DO
Respondent

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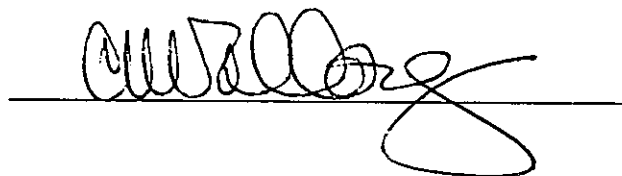
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* * * *

The foregoing Stipulation and Agreement for Settlement
and Order is hereby adopted by the Commissioner and shall become
effective at 12 o' clock noon on February 4, 1992.

IT IS SO ORDERED January 7, 1992.

CLARK WALLACE
Real Estate Commissioner



SACTO.
Flaz

1 ELLIOTT MAC LENNAN, Counsel
2 Department of Real Estate
3 107 South Broadway, Room 8107
4 Los Angeles, California 90012
5
6
7
8 (213) 620-4790

JUL 5 1991



8 DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * * * *

11	In the Matter of the Accusation of)	No. H-24570 LA
12	A BETTER PROPERTY MANAGEMENT)	<u>A C C U S A T I O N</u>
13	COMPANY, INC., a corporation,)	
14	dba A Better Property)	
15	Management Co., A Better)	
16	Property Management Company,)	
17	A Better Real Estate Company,)	
18	A Better Realty Company; and)	
19	STEVEN BLAKE MOFFETT,)	
20	individually and as designated)	
21	officer of A Better Property)	
22	Management Company, Inc.,)	
23	Respondents.)	

20 The Complainant, Steven J. Ellis, A Deputy Real Estate
21 Commissioner of the State of California, for cause of accusation
22 against A BETTER PROPERTY MANAGEMENT COMPANY, INC., a
23 corporation, dba A Better Property Management Co., A Better
24 Property Management Company, A Better Real Estate Company,
25 A Better Realty Company; and STEVEN BLAKE MOFFETT,
26 individually and as designated officer of A BETTER PROPERTY
27 /

1 MANAGEMENT COMPANY, INC., is informed and alleges in his
2 official capacity as follows:

3 I

4 A BETTER PROPERTY MANAGEMENT COMPANY, INC., a
5 corporation (ABPMC), dba A Better Property Management Co.,
6 A Better Property Management Company, A Better Real Estate
7 Company, A Better Realty Company; and STEVEN BLAKE MOFFETT
8 (MOFFETT), sometimes collectively referred to as
9 respondents, are presently licensed and/or have license
10 rights under the Real Estate Law (Part 1 of Division 4 of
11 the California Business and Professions Code).

12 II

13 All references to the "Code" are to the
14 California Business and Professions Code and all references
15 to "Regulations" are to Title 10, Chapter 6, California
16 Code of Regulations.

17 III

18 At all mentioned times, ABPMC was licensed by
19 the Department of Real Estate of the State of California
20 (Department) as a corporate real estate broker by and
21 through MOFFETT as designated officer.

22 IV

23 At all mentioned times, MOFFETT was licensed by
24 the Department as a real estate broker, both individually
25 and as designated officer of ABPMC to qualify ABPMC and to
26 act for ABPMC as a real estate broker and, as provided by
27 Section 10159.2 of the Code, was responsible for the

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supervision and control of the activities conducted on behalf of ABPMC by its officers, managers and employees as necessary to secure full compliance with the provisions of the Real Estate Law including the supervision of the salespeople licensed to the corporation in the performance of acts for which a real estate license is required by Section 10159.2 of the Code.

V

Whenever reference is made in an allegation in the accusation to an act or omission of ABPMC, such allegation shall be deemed to mean that the officers, directors, managers, employees, agents and real estate licensees employed by or associated with ABPMC, including MOFFETT, committed such act or omission while engaged in the furtherance of the business or operation of ABPMC and while acting within the course and scope of its corporate authority, agency and employment.

VI

At all mentioned times, ABPMC and MOFFETT were acting as the agent or employee of the other and within the course and scope of such agency or employment.

VII

At all mentioned times, in the State of California in the City of Long Beach, Los Angeles County, respondent ABPMC engaged in the business of a corporate real estate broker and respondent MOFFETT, a real estate broker, within the meaning of Sections 10131(b) and 10131.2

1 of the Code, including the operation of a property
2 management business carried on under the aforementioned
3 fictitious business names described in Paragraph I and
4 responsible for the management of several properties and
5 rental units.

6 VIII

7 At all mentioned times during the measured
8 period covered by the investigative audit described below,
9 ABPMC employed and compensated Karen M. Stuart and Judith
10 Louise Williams, salaried real estate licensees, as property
11 managers.

12 IX

13 On August 20 and 21, 1990, Department personnel
14 completed an investigative audit of the books and records
15 of ABPMC in Long Beach pertaining to ABPMC's activities as
16 a real property manager requiring a corporate real estate
17 broker license, for a five-month period commencing on
18 February 1, 1990, and terminating on July 31, 1990, which
19 revealed violations of the Real Estate Law now described.

20 X

21 In connection with their property management
22 activities, ABPMC and MOFFETT accepted or received funds in
23 trust (trust funds) from or on behalf of tenants and owners and
24 then made disbursements of such funds to discharge the financial
25 obligations incurred in managing the properties and rental units
26 under contract. ABPMC and MOFFETT maintained certain of these

27 /

1 funds in four trust accounts located at National Bank of Long
2 Beach, 1650 Ximeno Avenue, Long Beach, California 90804, to wit:

- 3 1. Better Property Management Co. Inc.
Trust Account I (T/F #1)
4 Account No. 412-018605
- 5 2. Better Property Management Co. Inc.
Trust Account II (T/F #2)
6 Account No. 412-016149
- 7 3. Better Property Management Co. Inc.
Marinow Trust Account (Marinow T/F)
8 Account No. 412-018130
- 9 4. Better Property Management Co. Inc.
Blair Trust Account (Blair T/F)
10 Account No. 412-017943

11 XI

12 In connection with the trust funds referred to in
13 Paragraph X, it is alleged that:

14 (a) MOFFETT and ABPMC permitted, allowed,
15 or caused a deficit to accumulate in T/F #1, which on July 31,
16 1990, was in the amount of \$2,357.91, in violation of Section
17 10145 of the Code and Regulation 2832.1.

18 XII

19 The foregoing acts and omissions with respect to
20 the trust accounts constitute a basis for the suspension
21 or revocation of respondent MOFFETT's and ABPMC's licenses
22 and license rights pursuant to Section 10177(d) of the
23 Code.

24 XIII

25 The audit examination described in Paragraph IX
26 also revealed that MOFFETT failed to initial written
27 Residential Lease Agreements prepared by Judith Louise

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Williams, named in Paragraph VIII and employed by ABPMC, in connection with the aforesaid property management activities for which a real estate license is required.

XIV

The conduct of MOFFETT in failing to initial written Residential Lease Agreements prepared by Judith Louise Williams, as described in Paragraph VIII, is in violation of Regulation 2725 and is cause to suspend or revoke his real estate licenses and license rights under Section 10177(d) of the Code.

XV

The conduct of MOFFETT, as described in Paragraph XI, constitutes a failure to properly supervise the acts of ABPMC requiring a real estate license and is cause to suspend or revoke his license and license rights under Section 10177(h) of the Code.

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WHEREFORE, Complainant prays that a hearing be conducted on the allegations made by the accusation and, that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and license rights of respondents A BETTER PROPERTY MANAGEMENT COMPANY, INC., a corporation, dba A Better Property Management Co., A Better Property Management Company, A Better Real Estate Company, A Better Realty Company; and STEVEN BLAKE MOFFETT, individually and as designated officer of ABPMC, INC., under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Los Angeles, California
this 5th day of July, 1991.


Deputy Real Estate Commissioner

cc: Steven Blake Moffett
A Better Property Management Company, Inc.
Sacto.
LK