

SAC

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

FILED

JUL 19 2013

DEPARTMENT OF REAL ESTATE
BY: _____

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
)	DRE No. H-38265 LA
<u>RPM WESTSIDE, INC.</u> and)	
DAVID MICHAEL KRAUSSE,)	OAH No. 2012110555
individually and as designated)	
officer of RPM Westside, Inc.,)	
)	
Respondents.)	

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On July 17, 2012, an Accusation was filed in this matter against Respondent RPM WESTSIDE, INC.

On June 11, 2013, Respondent petitioned the Commissioner to voluntarily surrender its corporate real estate broker license pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent RPM WESTSIDE, INC.'s petition for voluntary surrender of its corporate real estate broker license is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in Respondent's Declaration dated June 11,

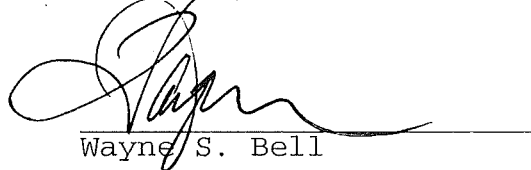
1 2013, (attached as Exhibit "A" hereto). Respondent's license
2 certificate, pocket card and any branch office license
3 certificate shall be sent to the below listed address so that
4 they reach the Department on or before the effective date of
5 this Order:

6
7 Department of Real Estate
8 Atten: Licensing Flag Section
9 P.O. Box 187000
10 Sacramento, CA 95818-7000

11 This Order shall become effective at 12 o'clock noon
12 on August 8, 2013.

13 DATED: July 12, 2013

14 REAL ESTATE COMMISSIONER

15 
16 _____
17 Wayne S. Bell

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

EXHIBIT "A"

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	DRE No. H-38265 LA
)	
<u>RPM WESTSIDE, INC.</u> and)	OAH No. L-2012070708
DAVID MICHAEL KRAUSSE,)	
individually and as designated)	
officer of RPM Westside, Inc.,)	
)	
Respondents.)	

DECLARATION

My name is Edgar Robert Sanchez and I am an officer and/or director of Respondent RPM WESTSIDE, INC. ("Respondent") which is licensed as a corporate real estate broker and/or has license rights with respect to said license. I am authorized and empowered to sign this declaration on behalf of RPM WESTSIDE, INC. I am acting on behalf of RPM WESTSIDE, INC. in this matter. RPM WESTSIDE, INC. is represented by Roger Kirnos, Attorney at Law in this matter.

In lieu of proceeding in this matter in accordance with the provisions of the Administrative Procedure Act

1 (Sections 11400 et seq., of the Government Code), RPM WESTSIDE,
2 INC. wishes to voluntarily surrender its real estate license
3 (and/or mortgage loan originator endorsement), issued by the
4 Department of Real Estate ("Department"), pursuant to Business
5 and Professions Code Section 10100.2.

6 I understand that by RPM WESTSIDE, INC. so voluntarily
7 surrendering its license, (and/or mortgage loan originator
8 endorsement), RPM WESTSIDE, INC. can only have its license
9 reinstated by petitioning for reinstatement in accordance with
10 the provisions of Section 11522 of the Government Code. I also
11 understand that by so voluntarily surrendering its license, RPM
12 WESTSIDE, INC. agrees to the following:

13 1. The filing of this Declaration shall be deemed as
14 RPM WESTSIDE, INC.'s petition for voluntary surrender.

15 2. It shall also be deemed to be an understanding and
16 agreement by RPM WESTSIDE, INC. that it waives all rights it has
17 to require the Commissioner to prove the allegations contained
18 in the Accusation filed in this matter at a hearing held in
19 accordance with the provisions of the Administrative Procedure
20 Act (Government Code Sections 11400 et seq.), and that RPM
21 WESTSIDE, INC. also waives other rights afforded to it in
22 connection with the hearing such as the right to discovery, the
23 right to present evidence in defense of the allegations in the
24 Accusation and the right to cross-examine witnesses.

25 3. RPM WESTSIDE, INC. further agrees that upon
26 acceptance by the Commissioner, as evidenced by an appropriate
27 order, all affidavits and all relevant evidence obtained by the

1 Department in this matter prior to the Commissioner's
2 acceptance, and all allegations contained in the Accusation
3 filed in the Department Case No. H-38265 LA, may be considered
4 by the Department to be true and correct for the purpose of
5 deciding whether to grant re-licensure or reinstatement pursuant
6 to Government Code Section 11522.

7 4. RPM WESTSIDE, INC. freely and voluntarily
8 surrenders all its licenses and license rights under the Real
9 Estate Law.


10 5. A copy of the Commissioner's Criteria of
11 Rehabilitation is attached hereto. If and when a petition
12 application is made for reinstatement of a surrendered license
13 or endorsement, the Real Estate Commissioner will consider as
14 one of the criteria of rehabilitation, whether or not
15 restitution has been made to any person who has suffered
16 monetary losses through "substantially related" acts or
17 omissions of Respondent, whether or not such persons are named
18 in the investigation file in this case.

19 6. RPM WESTSIDE, INC. further agrees to pay the
20 Commissioner's reasonable cost for the audit which led to this
21 action. In calculating the amount of the Commissioner's
22 reasonable cost, the Commissioner may use the estimated average
23 hourly salary for all persons performing audits of real estate
24 brokers, and shall include an allocation for travel time to and
25 from the auditor's place of work. RPM WESTSIDE, INC. will pay
26 the audit cost within 60 days of receiving an invoice from the
27

1 Commissioner detailing the activities performed during the audit
2 and the amount of time spent performing those activities.

3 7. RPM WESTSIDE, INC. is aware that if RPM WESTSIDE,
4 INC. petitions for reinstatement in the future, payment of the
5 audit costs will be a condition of reinstatement.

6 I declare under penalty of perjury under the laws of
7 the State of California that the above is true and correct and
8 that I am acting freely and voluntarily on behalf of RPM
9 WESTSIDE, INC. to surrender its license and all license rights
10 attached thereto. This declaration was executed on 6/11/13,
11 2013, at Beverly Hills, California.
12 (City)

13
14 
15 Respondent RPM WESTSIDE, INC.
16 By: Edgar Robert Sanchez
17
18
19
20
21
22
23
24
25
26
27