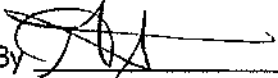


**FILED**

**November 2, 2012**

1 RICHARD K. UNO, Counsel (SBN 98275)  
2 Department of Real Estate  
3 P. O. Box 187007  
4 Sacramento, CA 95818-7007  
5 Telephone: (916) 227-0789  
6 (916) 227-2380 (Direct)  
7

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 )  
12 )  
13 TIMOTHY JAY LEINGANG, )  
14 Respondent. )

NO. H-5895 SAC  
FIRST AMENDED  
ACCUSATION

15 The Complainant, TRICIA D. SOMMERS, a Deputy Real Estate Commissioner  
16 of the State of California for cause of Accusation against TIMOTHY JAY LEINGANG,  
17 (LEINGANG), is informed and alleges as follows:  
18

19 1

The Complainant makes this First Amended Accusation in her official capacity.

21 2

22 LEINGANG is presently licensed and/or has license rights under the Real Estate  
23 Law, Part I of Division 4 of the California Business and Professions Code (the Code), as a real  
24 estate broker doing business as Granite Equity Group.

25 3

26 LEINGANG engaged in the business of, acted in the capacity of, advertised or  
27 assumed to act as a real estate broker in the State of California, within the meaning of Section

1 10131(a) of the Code, including the operation and conduct of a residential resale brokerage  
2 wherein Respondent bought, sold, or offered to buy or sell, solicited or obtained listings of, and  
3 negotiated the purchase, sale or exchange of real property or business opportunities, all for or in  
4 expectation of compensation.

5 4

6 In or around July of 2009, Mathew G., hired LEINGANG to represent him in the  
7 purchase of a residence commonly known as 4640 Marshall Road, Garden Valley, CA 95633  
8 (Marshall Road Property). Elizabeth K. later was added as a buyer to enable Mathew G. to  
9 qualify for the loan. Mathew G. and Elizabeth K are collectively referred to as Buyers.

10 5

11 On or about August 27, 2009, Buyers accepted Sellers counter offer for the  
12 Marshall Road Property.

13 6

14 While escrow was open and before it closed, LEINGANG received the Seller  
15 Property Questionnaire, Real Estate Transfer Disclosure Statement, Agent Visual Inspection and  
16 secondary Real Estate Transfer Disclosure Statement.

17 7

18 The Real Estate Transfer Disclosure Statement disclosed the following:  
19 That sellers checked yes that there were significant defects/malfunctions with the ceiling, floors,  
20 roof and plumbing/sewers/septic; the septic system backs up in the master bath and had been  
21 pumped nine times by Roley Septic and that there were flooding, drainage and other soil  
22 problems.

23 8

24 The Agent Visual Inspection disclosed several cosmetic defects as well as a  
25 statement that "High water table causes ground water to leak into septic tank".  
26  
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The Seller Property Questionnaire disclosed: the septic line from the master bath to master bath backs up in the master bath; water-related mold issues existed and two houses in back of the home have easements.

LEINGANG failed to provide any of the disclosures or documents set forth in Paragraphs 6 through 9, above before the close of escrow, and in fact signed Mathew G.'s name as having received the disclosures.

On or about December 15, 2009, escrow on the Marshall Road Property closed.

In or around March 2010, LEINGANG sent the disclosure statements described in Paragraph 6, above, to Buyers.

The facts alleged in Paragraphs 6 through 10, above, are grounds for the suspension or revocation of the licenses and license rights of LEINGANG under Sections 10176(a) (Substantial Misrepresentation), 10176(i) (Other Conduct/Fraud Dishonest Dealing, 10177(d) (Willful Disregard/Violation of Real Estate Law) and 10177(g) (Negligence/Incompetence Real Estate Licensee) of the Code.

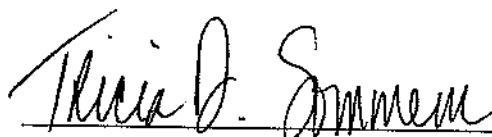
The facts alleged in Paragraphs 6 through 13, above, are grounds for the suspension or revocation of the MLO Endorsement of LEINGANG under Sections 10166.051 (Suspension or Revocation) and 10166.05 (c) (Lacks Fitness for MLO Endorsement), 10176(i) (Other Conduct/Fraud Dishonest Dealing, 10177(d) (Willful Disregard/Violation of Real Estate Law) and 10177(g) (Negligence/Incompetence Real Estate Licensee) of the Code.

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Section 10106 of the Code provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the department, the commissioner may request the administrative law judge to direct a licensee found to have committed a violation of this part to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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 under the Code, and for such other and further relief as may be proper under other provisions of law.



TRICIA D. SOMMERS  
Deputy Real Estate Commissioner

Dated at Sacramento, California,

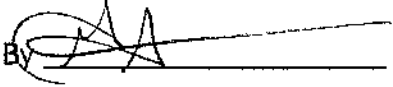
this 31<sup>st</sup> day of OCTOBER, 2012.

**FILED**

**October 22, 2012**

1 RICHARD K. UNO, Counsel (SBN 98275)  
2 Department of Real Estate  
3 P. O. Box 187007  
4 Sacramento, CA 95818-7007

DEPARTMENT OF REAL ESTATE

By 

4 Telephone: (916) 227-0789  
5 (916) 227-2380 (Direct)

6  
7  
8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 ) NO. H-5895 SAC  
13 TIMOTHY JAY LEINGANG, )  
14 ) ACCUSATION  
15 ) Respondent. )  
16 )

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14

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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 under the Code, and for such other and further relief as may be proper under other provisions of law.

  
TRICIA D. SOMMERS  
Deputy Real Estate Commissioner

Dated at Sacramento, California,  
this 17<sup>th</sup> day of OCTOBER, 2012.