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FILED

MAR 05 2019

DEPARTMENT OF REAL ESTATE

By R. Krapp

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of

12 SINDEO INC. and
13 MARY ANNE SCHIAVONE DALY,

14 Respondents.

No. H-6779 SAC

ACCUSATION

15 The Complainant, CHIKA SUNQUIST, acting in her official capacity as a
16 Supervising Special Investigator of the State of California, for cause of Accusation against
17 SINDEO INC. (SI) and MARY ANNE SCHIAVONE DALY (DALY), sometimes collectively
18 referred to as Respondents, is informed and alleges as follows:

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20 Respondents are presently licensed and/or have license rights under the Real
21 Estate Law, Part 1 of Division 4 of the Business and Professions Code (Code).

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23 At all times mentioned, SI was and is licensed by the State of California,
24 Department of Real Estate (Department), as a real estate broker corporation and a mortgage loan
25 originator.

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At all times mentioned, DALY was and is licensed by the Department individually as a real estate broker, mortgage loan originator, and as the designated broker-officer of SI. As the designated officer, DALY was responsible, pursuant to Section 10159.2 of the Business and Professions Code (Code), for the supervision of the activities of officers, agents, real estate licensees and employees of SI for which a real estate license is required to ensure the compliance of the corporation with the Real Estate Law and Regulations.

Whenever reference is made in an allegation in this Accusation to an act or omission of SI, such allegation shall be deemed to mean that the officers, directors, employees, agents and real estate licensees employed by or associated with SI committed such acts or omissions while engaged in furtherance of the business or operation of SI and while acting within the course and scope of their corporate authority and employment.

FIRST CAUSE OF ACTION

Each and every allegation in Paragraphs 1 through 4, inclusive, is incorporated by this reference as if fully set forth herein.

On or about October 24, 2018, after SI was given fair notice of the charges, an opportunity for a hearing, and other due process protections comparable to the Administrative Procedure Act, the State of California, Department of Business Oversight, revoked the residential mortgage lenders license of SI pursuant to acts which, if done by a real estate licensee, would be grounds for the suspension or revocation of a California real estate license pursuant to the provisions of Sections 10148 (a), 10166.07 (a), 10177 (d), 10177 (g), and 10232.2 (c) of the Code.

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The facts alleged above, in Paragraph 6, constitute grounds under Sections 10166.051 (a) (Grounds for Denial, Suspension or Revocation of Mortgage Loan Originator Endorsement), 10177 (f) (Other License Discipline), and 10177 (g) (Negligence or Incompetence of Licensee) of the Code for suspension or revocation of all licenses and license rights of Respondents under the Real Estate Law.

SECOND CAUSE OF ACTION

Each and every allegation in Paragraphs 1 through 7, inclusive, is incorporated by this reference as if fully set forth herein.

A diligent search was made of the records of the Department relating to SI's real estate license. As a result of said search no written record was discovered having been received from Respondents notifying the Department in writing and within 30 days of any disciplinary action taken by another licensing agency.

The facts alleged above, in Paragraph 9, constitute a violation of Section 10186.2 (a)(1)(C) and Section 10186.2 (Failure to Report in Writing License Discipline within 30 Days) of the Code, and are grounds for the suspension or revocation of all licenses and license rights of Respondents under Sections 10166.051 (a), 10186.2 (b) and 10177(d) (Willful Disregard or Violation of Real Estate Law) of the Code.

THIRD CAUSE OF ACTION

Each and every allegation in Paragraphs 1 through 10, inclusive, is incorporated by this reference as if fully set forth herein.

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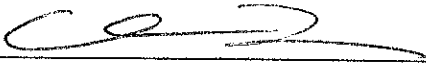
Respondent DALY failed to exercise reasonable supervision and control over the activities of SI. In particular, DALY permitted, ratified and/or caused the conduct described above to occur, and failed to take reasonable steps, including but not limited to, supervision of employees, and the implementation of policies, rules and systems to ensure the compliance of the business with the Real Estate Law and the Regulations.

The above acts and/or omissions of DALY violate Section 2725 (Broker Supervision) of Chapter 6, Title 10, California Code of Regulations and Section 10159.2 (Responsibility of Designated Officer) of the Code and constitute grounds for disciplinary action under the provisions of Sections 10166.051 (a), 10177(d), 10177(g) and/or 10177(h) (Broker Supervision) of the Code.

COST RECOVERY

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 revoking all licenses and license rights of Respondent under the Real Estate Law, for the cost of investigation and enforcement as permitted by law, and for such other and further relief as may be proper under other provisions of law.


 CHIKA SUNQUIST
 Supervising Special Investigator

Dated at Sacramento, California, on
 this 1st day of March, 2019.

