

1 Department of Real Estate
2 P. O. Box 187007
3 Sacramento, CA 95818-7007

4 Telephone: (916) 227-0789

FILED

AUG 26 2008.

DEPARTMENT OF REAL ESTATE

By R. Henry

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12)
13 W. B. COYLE, GARY J. ROSSI, and)
14 TELEGRAPH HILL PROPERTIES, INC.,)
15 Respondents.)

NO. H-10229 SF

STIPULATION AND AGREEMENT
IN SETTLEMENT AND ORDER
AS TO W. B. COYLE AND
TELEGRAPH HILL
PROPERTIES, INC. ONLY

16 It is hereby stipulated by and between W. B. COYLE
17 (hereinafter Respondent "COYLE") and TELEGRAPH HILL PROPERTIES,
18 INC. (hereinafter Respondent "TELEGRAPH") and their attorney of
19 record, Frank M. Buda, Attorney at Law, and the Complainant,
20 acting by and through David B. Seals, Counsel for the Department
21 of Real Estate, as follows for the purpose of settling and
22 disposing of the Accusation as to Respondents COYLE and TELEGRAPH
23 filed on October 25, 2007, in this matter:

24 1. All issues which were to be contested and all
25 evidence which was to be presented by Complainant and Respondents
26 COYLE and TELEGRAPH at a formal hearing on the Accusation, which
27 hearing was to be held in accordance with the provisions of the

1 Administrative Procedure Act (APA), shall instead and in place
2 thereof be submitted solely on the basis of the provisions of
3 this Stipulation and Agreement in Settlement.

4 2. Respondents COYLE and TELEGRAPH have received, read
5 and understand the Statement to Respondent, the Discovery
6 Provisions of the APA and the Accusation filed by the Department
7 of Real Estate in this proceeding.

8 3. A Notice of Defense was filed on November 20, 2007
9 by Respondents COYLE and TELEGRAPH, pursuant to Section 11505 of
10 the Government Code for the purpose of requesting a hearing on
11 the allegations in the Accusation. Respondents COYLE and
12 TELEGRAPH hereby freely and voluntarily withdraw said Notice of
13 Defense. Respondents COYLE and TELEGRAPH acknowledge that they
14 understand that by withdrawing said Notice of Defense they will
15 thereby waive their right to require the Commissioner to prove
16 the allegations in the Accusation at a contested hearing held in
17 accordance with the provisions of the APA and that they will
18 waive other rights afforded to them in connection with the
19 hearing such as the right to present evidence in defense of the
20 allegations in the Accusation and the right to cross-examine
21 witnesses.

22 4. This Stipulation is based on the factual allegations
23 contained in the Accusation. In the interests of expedience and
24 economy, Respondents COYLE and TELEGRAPH choose not to contest
25 these allegations, but to remain silent and understand that, as a
26 result thereof, these factual allegations, without being admitted
27 or denied, will serve as a prima facie basis for the disciplinary

1 action stipulated to herein. The Real Estate Commissioner shall
2 not be required to provide further evidence to prove said factual
3 allegations.

4 5. It is understood by the parties that the Real
5 Estate Commissioner may adopt the Stipulation and Agreement in
6 Settlement as his decision in this matter thereby imposing the
7 penalty and sanctions on Respondents COYLE and TELEGRAPH'S real
8 estate licenses and license rights as set forth in the below
9 "Order". In the event that the Commissioner in his discretion
10 does not adopt the Stipulation and Agreement in Settlement, it
11 shall be void and of no effect, and Respondents COYLE and
12 TELEGRAPH shall retain the right to a hearing and proceeding on
13 the Accusation under all the provisions of the APA and shall not
14 be bound by any admission or waiver made herein.

15 6. The Order or any subsequent Order of the Real
16 Estate Commissioner made pursuant to this Stipulation and
17 Agreement in Settlement shall not constitute an estoppel, merger
18 or bar to any further administrative or civil proceedings by the
19 Department of Real Estate with respect to any matters which were
20 not specifically alleged to be causes for accusation in this
21 proceeding. This Stipulation and Agreement in Settlement and
22 Respondents' decision not to contest the Accusation is made for
23 the purpose of reaching an agreed disposition of this proceeding
24 and is expressly limited to this proceeding and any other
25 proceeding or matter against Respondents, or either of them, in
26 which the Department of Real Estate is a party concerning the
27 facts alleged in the Accusation.

1 DETERMINATION OF ISSUES

2 I

3 By reason of the foregoing stipulations, admissions
4 and waivers and solely for the purpose of settlement of the
5 pending Accusation without a hearing, it is stipulated and agreed
6 that the facts alleged above are grounds for the suspension or
7 revocation of the licenses and license rights of Respondent
8 TELEGRAPH under Section 2742(c), Title 10, California Code of
9 Regulations (hereinafter the "Regulations"), in conjunction with
10 Section 10177(d) of the Business and Professions Code
11 (hereinafter the "Code") and as to Respondent COYLE under Section
12 10177(h) of the Code and Section 10159.2 of the Code, in
13 conjunction with Section 10177(d) of the Code. Respondent COYLE
14 has also violated Section 11018.2 of the Code in conjunction with
15 Section 2801.5 of the Regulations, but it is determined that
16 there is no cause for discipline for the Section 11018.2 and
17 Section 2801.5 violations.

18 ORDER

19 I

20 All licenses and licensing rights of Respondent W. B.
21 COYLE under the Real Estate Law are suspended for a period of
22 sixty (60) days from the effective date of this Order; provided,
23 however, that:

24 1. Thirty (30) days of said suspension shall be stayed
25 for two (2) years upon the following terms and conditions:

26 A. Respondent W. B. COYLE shall obey all laws, rules
27 and regulations governing the rights, duties and

1 responsibilities of a real estate licensee in the State of
2 California; and

3 B. That no final subsequent determination be made,
4 after hearing or upon stipulation, that cause for disciplinary
5 action occurred within two (2) years from the effective date of
6 this Order. Should such a determination be made, the
7 Commissioner may, in his discretion, vacate and set aside the
8 stay order and reimpose all or a portion of the stayed
9 suspension. Should no such determination be made, the stay
10 imposed herein shall become permanent.

11 2. The remaining thirty (30) days of said 60-day
12 suspension shall be stayed upon the condition that Respondent W.

13 B. COYLE petition pursuant to Section 10175.2 of the Business
14 and Professions Code and pays a monetary penalty pursuant to
15 Section 10175.2 of the Business and Professions Code at a rate
16 of \$100 for each day of the suspension for a total monetary
17 penalty of \$3,000:

18 A. Said payment shall be in the form of a cashier's
19 check or certified check made payable to the Recovery Account of
20 the Real Estate Fund. Said check must be delivered to the
21 Department prior to the effective date of the Order in this
22 matter.

23 B. No further cause for disciplinary action against
24 the Real Estate licenses of said Respondent W. B. COYLE occurs
25 within two (2) years from the effective date of the decision in
26 this matter.

1 C. If Respondent W. B. COYLE fails to pay the
2 monetary penalty as provided above prior to the effective date
3 of this Order, the stay of the suspension shall be vacated as to
4 Respondent W. B. COYLE and the order of suspension shall be
5 immediately executed, under this Paragraph I of this Order, in
6 which event Respondent W. B. COYLE shall not be entitled to any
7 repayment nor credit, prorated or otherwise, for the money paid
8 to the Department under the terms of this Order.

9 D. If Respondent W. B. COYLE pays the monetary penalty
10 and any other moneys due under this Stipulation and Agreement and
11 if no further cause for disciplinary action against the real
12 estate licenses of Respondent W. B. COYLE occurs within two (2)
13 years from the effective date of this Order, the entire stay
14 hereby granted under Paragraph I of this Order, as to Respondent
15 W. B. COYLE only, shall become permanent.

16 II

17 All licenses and licensing rights of Respondent
18 TELEGRAPH HILL PROPERTIES, INC. under the Real Estate Law are
19 suspended for a period of sixty (60) days from the effective date
20 of this Order; provided, however, that:

21 1. Thirty (30) days of said suspension shall be stayed
22 for two (2) years upon the following terms and conditions:

23 A. Respondent TELEGRAPH HILL PROPERTIES, INC. shall
24 obey all laws, rules and regulations governing the rights,
25 duties and responsibilities of a real estate licensee in the
26 State of California; and
27

1 B. That no final subsequent determination be made,
2 after hearing or upon stipulation, that cause for disciplinary
3 action occurred within two (2) years from the effective date of
4 this Order. Should such a determination be made, the
5 Commissioner may, in his discretion, vacate and set aside the
6 stay order and reimpose all or a portion of the stayed
7 suspension. Should no such determination be made, the stay
8 imposed herein shall become permanent.

9 2. The remaining thirty (30) days of said 60-day
10 suspension shall be stayed upon the condition that Respondent
11 TELEGRAPH HILL PROPERTIES, INC. petition pursuant to Section
12 10175.2 of the Business and Professions Code and pays a monetary
13 penalty pursuant to Section 10175.2 of the Business and
14 Professions Code at a rate of \$100 for each day of the
15 suspension for a total monetary penalty of \$3,000:

16 A. Said payment shall be in the form of a cashier's
17 check or certified check made payable to the Recovery Account of
18 the Real Estate Fund. Said check must be delivered to the
19 Department prior to the effective date of the Order in this
20 matter.

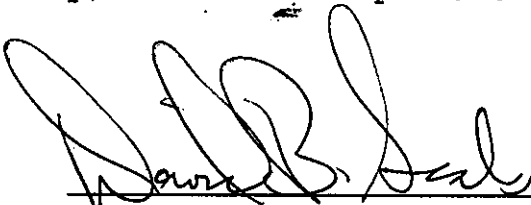
21 B. No further cause for disciplinary action against
22 the Real Estate licenses of said Respondent TELEGRAPH HILL
23 PROPERTIES, INC. occurs within two (2) years from the effective
24 date of the decision in this matter.

25 C. If Respondent TELEGRAPH HILL PROPERTIES, INC.
26 fails to pay the monetary penalty as provided above prior to the
27 effective date of this Order, the stay of the suspension shall

1 be vacated as to Respondent TELEGRAPH HILL PROPERTIES, INC. and
2 the order of suspension shall be immediately executed, under
3 this Paragraph II of this Order, in which event Respondent
4 TELEGRAPH HILL PROPERTIES, INC. shall not be entitled to any
5 repayment nor credit, prorated or otherwise, for the money paid
6 to the Department under the terms of this Order.

7 D. If Respondent TELEGRAPH HILL PROPERTIES, INC. pays
8 the monetary penalty and any other moneys due under this
9 Stipulation and Agreement and if no further cause for
10 disciplinary action against the real estate licenses of
11 Respondent TELEGRAPH HILL PROPERTIES, INC. occurs within two (2)
12 years from the effective date of this Order, the entire stay
13 hereby granted under Paragraph II of this Order, as to Respondent
14 TELEGRAPH HILL PROPERTIES, INC. only, shall become permanent.

15
16
17 DATED: July 29, 2008


18 DAVID B. SEALS, Counsel
19 DEPARTMENT OF REAL ESTATE

20 * * *

21 I have read the Stipulation and Agreement, have
22 discussed it with my counsel, and its terms are understood by me
23 and are agreeable and acceptable to me. I understand that I am
24 waiving rights given to me by the California Administrative
25 Procedure Act (including but not limited to Sections 11506,
26 11508, 11509, and 11513 of the Government Code), and I willingly,
27 intelligently, and voluntarily waive those rights, including the

07/23/2008 12:56 FAX 818227846H

UNE LEGAL/RECOVERY

1 right of requiring the Commissioner to prove the allegations in
 2 the Accusation at a hearing at which I would have the right to
 3 cross-examine witnesses against me and to present evidence in
 4 defense and mitigation of the charges.

FACSIMILE TRANSMISSION

7 Respondents can signify acceptance and approval of the
 8 terms and conditions of this Stipulation and Agreement by faxing
 9 a copy of its signature page, as actually signed by Respondents,
 10 to the Department at the following telephone/fax number:

11 Attention: David B. Seal at (916) 227-8458. Respondents agree,
 12 acknowledge and understand that by electronically sending to the
 13 Department a fax copy of Respondents' actual signature as they
 14 appear on the Stipulation and Agreement, that receipt of the
 15 faxed copy by the Department shall be as binding on Respondents
 16 as if the Department had received the original signed Stipulation
 17 and Agreement.

18 DATE:

7/25/2008

J. M. Coyle
 WB ~~DAVID B. SEAL~~ COYLE
 Respondent

22 DATED:

7/27/2008

Telegraph Hill Properties, Inc.
by *J. M. Coyle*, President
 TELEGRAPH HILL PROPERTIES, INC.
 Respondent

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H-10228 07

- 9 - H. B. COYLE, GARY J. ROSSI, AND TELEGRAPH HILL PROPERTIES, INC.

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I have reviewed the Stipulation and Agreement as to form and content and have advised my client accordingly.

DATED: 7-24-08 Frank M. Buda

FRANK M. BUDA
Attorney for Respondents

* * *

The foregoing Stipulation and Agreement in Settlement is hereby adopted by the Real Estate Commissioner as his Decision and Order and shall become effective at 12 o'clock noon on _____, 2008.

IT IS SO ORDERED _____, 2008.

JEFF DAVI
Real Estate Commissioner

1 I have reviewed the Stipulation and Agreement as to
2 form and content and have advised my client accordingly.
3

4 DATED: _____

FRANK M. BUDA
Attorney for Respondents

7 * * *

8 The foregoing Stipulation and Agreement in Settlement
9 is hereby adopted by the Real Estate Commissioner as his Decision
10 and Order and shall become effective at 12 o'clock noon on
11 SEP 16 2008, 2008.

12 IT IS SO ORDERED 8/20, 2008.

13
14 
15 JEFF DAVI
Real Estate Commissioner

16
17 BY: Barbara J. Bigby
Chief Deputy Commissioner
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1 Department of Real Estate
2 P. O. Box 187007
3 Sacramento, CA 95818-7007

FILED

AUG 26 2008.

4 Telephone: (916) 227-0789

DEPARTMENT OF REAL ESTATE

By L. Henry

7
8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12)
13 W. B. COYLE, GARY J. ROSSI, and)
14 TELEGRAPH HILL PROPERTIES, INC.,)
15 Respondents.)

NO. H-10229 SF

STIPULATION AND AGREEMENT
IN SETTLEMENT AND ORDER
AS TO
GARY J. ROSSI ONLY

16 It is hereby stipulated by and between GARY J. ROSSI
17 (hereinafter Respondent "ROSSI") and his attorney of record,
18 Mary E. Work, Attorneys at Law, and the Complainant, acting by
19 and through David B. Seals, Counsel for the Department of Real
20 Estate, as follows for the purpose of settling and disposing of
21 the Accusation as to Respondent ROSSI filed on October 25, 2007,
22 in this matter:

23 1. All issues which were to be contested and all
24 evidence which was to be presented by Complainant and Respondent
25 ROSSI at a formal hearing on the Accusation, which hearing was to
26 be held in accordance with the provisions of the Administrative
27 Procedure Act (APA), shall instead and in place thereof be

1 submitted solely on the basis of the provisions of this
2 Stipulation and Agreement in Settlement.

3 2. Respondent ROSSI has received, read and understands
4 the Statement to Respondent, the Discovery Provisions of the APA
5 and the Accusation filed by the Department of Real Estate in this
6 proceeding.

7 3. A Notice of Defense was filed on November 20, 2007
8 by Respondent ROSSI, pursuant to Section 11505 of the Government
9 Code for the purpose of requesting a hearing on the allegations
10 in the Accusation. Respondent ROSSI hereby freely and
11 voluntarily withdraws said Notice of Defense. Respondent ROSSI
12 acknowledges that he understands that by withdrawing said Notice
13 of Defense he will thereby waive his right to require the
14 Commissioner to prove the allegations in the Accusation at a
15 contested hearing held in accordance with the provisions of the
16 APA and that he will waive other rights afforded to him in
17 connection with the hearing such as the right to present evidence
18 in defense of the allegations in the Accusation and the right to
19 cross-examine witnesses.

20 4. This Stipulation is based on the factual allegations
21 contained in the Accusation. In the interests of expedience and
22 economy, Respondent ROSSI chooses not to contest these
23 allegations, but to remain silent and understands that, as a
24 result thereof, these factual allegations, without being admitted
25 or denied, will serve as a prima facie basis for the disciplinary
26 action stipulated to herein. The Real Estate Commissioner shall
27

1 not be required to provide further evidence to prove said factual
2 allegations.

3 5. It is understood by the parties that the Real
4 Estate Commissioner may adopt the Stipulation and Agreement in
5 Settlement as his decision in this matter thereby imposing the
6 penalty and sanctions on Respondent ROSSI'S real estate licenses
7 and license rights as set forth in the below "Order". In the
8 event that the Commissioner in his discretion does not adopt the
9 Stipulation and Agreement in Settlement, it shall be void and of
10 no effect, and Respondent ROSSI shall retain the right to a
11 hearing and proceeding on the Accusation under all the provisions
12 of the APA and shall not be bound by any admission or waiver made
13 herein.

14 6. The Order or any subsequent Order of the Real
15 Estate Commissioner made pursuant to this Stipulation and
16 Agreement in Settlement shall not constitute an estoppel, merger
17 or bar to any further administrative or civil proceedings by the
18 Department of Real Estate with respect to any matters which were
19 not specifically alleged to be causes for accusation in this
20 proceeding. This Stipulation and Agreement in Settlement and
21 Respondent's decision not to contest the Accusation is made for
22 the purpose of reaching an agreed disposition of this proceeding
23 and is expressly limited to this proceeding and any other
24 proceeding or matter against Respondent in which the Department
25 of Real Estate is a party concerning the facts alleged in the
26 Accusation.

27 ///

1 DETERMINATION OF ISSUES

2 I


3 By reason of the foregoing stipulations, admissions
4 and waivers and solely for the purpose of settlement of the
5 pending Accusation without a hearing, it is stipulated and agreed
6 that the facts alleged above are grounds for the suspension or
7 revocation of the licenses and license rights of Respondent ROSSI
8 under Section 10177(d) of the Business and Professions Code
9 (hereinafter the "Code") in conjunction with Sections 11018.2 of
10 the Code and Section 2801.5, Title 10, California Code of
11 Regulations.

12 ORDER

13 I

14 Respondent GARY J. ROSSI is publicly reprovod.

15
16
17 DATED: July 29, 2008


18 DAVID B. SEALS, Counsel
19 DEPARTMENT OF REAL ESTATE

20 * * *

21 I have read the Stipulation and Agreement, have
22 discussed it with my counsel, and its terms are understood by me
23 and are agreeable and acceptable to me. I understand that I am
24 waiving rights given to me by the California Administrative
25 Procedure Act (including but not limited to Sections 11506,
26 11508, 11509, and 11513 of the Government Code), and I willingly,
27 intelligently, and voluntarily waive those rights, including the

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DRE LEGAL/RECOVERY

00000001

1 right of requiring the Commissioner to prove the allegations in
 2 the Accusation at a hearing at which I would have the right to
 3 cross-examine witnesses against me and to present evidence in
 4 defense and mitigation of the charges.

5 ***

6 FACSIMILE TRANSMISSION

7 Respondents can signify acceptance and approval of the
 8 terms and conditions of this Stipulation and Agreement by faxing
 9 a copy of its signature page, as actually signed by Respondents,
 10 to the Department at the following telephone/fax number:
 11 attention: David R. Seale at (916) 227-9458. Respondents agree,
 12 acknowledge and understand that by electronically sending to the
 13 Department a fax copy of Respondents' actual signature as they
 14 appear on the Stipulation and Agreement, that receipt of the
 15 faxed copy by the Department shall be as binding on Respondents
 16 as if the Department had received the original signed Stipulation
 17 and Agreement.

18 DATED: 7/25/2008

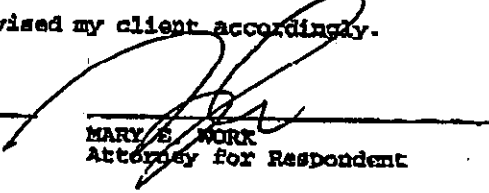


19 GARY J. ROSSI
20 Respondent

21 ***

22 I have reviewed the Stipulation and Agreement as to
 23 form and content and have advised my client accordingly.

24 DATED: 7/25/08



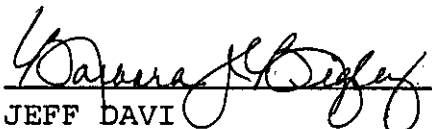
25 MARY E. WORK
26 Attorney for Respondent

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* * *

The foregoing Stipulation and Agreement in Settlement
is hereby adopted by the Real Estate Commissioner as his Decision
and Order and shall become effective at 12 o'clock noon on
SEP 16 2008, 2008.

IT IS SO ORDERED 9/20, 2008.


JEFF DAVI
Real Estate Commissioner

BY: Barbara J. Bigby
Chief Deputy Commissioner

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DAVID B. SEALS, Counsel (SBN 69378)
Department of Real Estate
P. O. Box 187007
Sacramento, CA 95818-7007

Telephone: (916) 227-0789
-or- (916) 227-0792 (Direct)

FILED
OCT 25 2007

DEPARTMENT OF REAL ESTATE
[Signature]

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-10229 SF
W. B. COYLE,)	<u>ACCUSATION</u>
GARY J. ROSSI, and)	
TELEGRAPH HILL PROPERTIES, INC.,)	
Respondents.)	

The Complainant, Charles W. Koenig, a Deputy Real Estate Commissioner of the State of California for cause of Accusation against W. B. COYLE (hereinafter Respondent "COYLE"), GARY J. ROSSI (hereinafter Respondent "ROSSI"), and TELEGRAPH HILL PROPERTIES, INC. (hereinafter Respondent "TELEGRAPH") is informed and alleges as follows:

FIRST CAUSE OF ACCUSATION

I

The Complainant, Charles W. Koenig, a Deputy Real Estate Commissioner of the State of California, makes this Accusation against Respondents in his official capacity.

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II

Respondent COYLE 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 "Code") as the designated officer of Respondent TELEGRAPH. Respondent COYLE's individual real estate broker license expired on or about November 1, 2000.

III

Respondent TELEGRAPH is presently licensed and/or has license rights under the Code as a corporate real estate broker.

IV

Respondent ROSSI is presently licensed and/or has license rights under the Code as a real estate salesperson. However, Respondent ROSSI was licensed in the employ of Respondent TELEGRAPH only from June 3, 2003 to October 18, 2004.

V

On or before September 1, 2004, Respondent TELEGRAPH was suspended by the Office of the Secretary of State of the State of California. Therefore, Respondent TELEGRAPH was not in good standing as of that date and as of August 2, 2006 said suspension was still in place.

VI

From at least November 17, 2004 to and including March 30, 2005, Respondent COYLE, through Respondent TELEGRAPH represented the buyer in the sale of 2874-2876 Washington Street and 2300-2304 Divisadero, San Francisco. At the time of such activities, Respondent TELEGRAPH's corporate license was

1 suspended. Respondent COYLE was compensated for his
2 representation of the buyer.

3 VII

4 From on or about June 21, 2006 until the end of the
5 transaction, Respondent COYLE, through Respondent TELEGRAPH
6 represented the buyer and seller in the sale and purchase of
7 1815-1827 Stockton Street, San Francisco. At the time of such
8 activities, Respondent TELEGRAPH's corporate license was
9 suspended. Respondent COYLE was compensated for his
10 representation of buyer and seller.

11 VIII

12 From on or about September 30, 2005 to at least
13 November 15, 2005, Respondent COYLE, through Respondent
14 TELEGRAPH represented the seller in the sale of 283 Mallorca
15 Way, San Francisco. At the time of such activities, Respondent
16 TELEGRAPH's corporate license was suspended. Respondent COYLE
17 perform said activities for compensation or in expectation of
18 compensation.

19 IX

20 From on or about May 7, 2006 until the end of the
21 transaction, Respondent COYLE, through Respondent TELEGRAPH
22 represented the buyer in the purchase of 56 Castle Street, San
23 Francisco. At the time of such activities, Respondent
24 TELEGRAPH's corporate license was suspended. Respondent COYLE
25 perform said activities for compensation or in expectation of
26 compensation.

27 ///

1 X

2 The activities performed by Respondents COYLE and
3 TELEGRAPH as discussed in Paragraphs VI through IX above, are
4 acts for which a real estate license is required pursuant to
5 Section 10130 and 10131(a) of the Code. However, the corporate
6 license of Respondent TELEGRAPH was suspended and not in good
7 standing when these acts were performed thereby preventing
8 Respondents TELEGRAPH and COYLE from performing acts requiring a
9 license under Section 2742(c) of the Regulations and Section
10 10159 of the Code, respectively.

11 XI

12 At all times mentioned herein, Respondent COYLE failed
13 to exercise reasonable supervision over the activities
14 Respondent TELEGRAPH, and permitted, ratified and/or caused the
15 conduct described above. Respondent COYLE failed to reasonably
16 or adequately review, oversee, inspect and manage the persons
17 under his employ and Respondent TELEGRAPH, and/or to establish
18 reasonable policies, rules, procedures and systems for such
19 review, oversight, inspection and management.

20 XII

21 The acts and/or omissions of Respondents described
22 above are grounds for the suspension or revocation of
23 Respondents' licenses and license rights as follows:

- 24 1. As to Respondent COYLE under Section 10159 of the
25 Code, in conjunction with Sections 10130 and
26 10131(a) of the Code and Section 2742(c) of the
27 Regulations, Section 10177(h) of the Code, and

1 Section 10137 of the Code and Section 2725 of the
2 Regulations in conjunction with Section 10177(d)
3 of the Code; and

- 4 2. As to Respondent TELEGRAPH under Section 2742(c)
5 of the Regulations, and Sections 10130, 10131(a),
6 and 10137 of the Code, all in conjunction with
7 Section 10177(d) of the Code.

8 SECOND CAUSE OF ACCUSATION

9 XIII

10 There is hereby incorporated in this Second, separate
11 and distinct, Cause of Accusation all of the allegations
12 contained in Paragraphs I through IV of the First Cause of
13 Accusation with the same force and effect as if herein fully set
14 forth.

15 XIV

16 On or about August 27, 2003 North Beach Partners,
17 LLC., GNO, LLC., WBGT, LLC., and SF Duke Investments, LLC.
18 obtained interests in 1815-1627 Stockton Street, San Francisco
19 (hereinafter "Stockton Street"), which transfer created 7
20 undivided interests.

21 XV

22 GNO sold their interests in Stockton Street on or
23 about December 30, 2004 without a public report in violation of
24 Section 11018.2 of the Code in conjunction with Section 2801.5,
25 Title 10, California Code of Regulations (hereinafter the
26 "Regulations").

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XVI

North Beach Partners sold their interests in Stockton Street on or about February 8, 2005 without a public report in violation of Section 11018.2 of the Code in conjunction with Section 2801.5 of the Regulations.

XVII

On or about December 16, 2003 North Beach Partners, LLC., Albion Partners, LLC., Bonterra, LLC., and Bundt, LLC., DRV, LLC., Double R, LLC., Plafker Ventures, LLC., and Katz Development, LLC., obtained interests in 1530 Jones Street, San Francisco (hereinafter "Jones Street"), which transfer created 8 undivided interests.

XVIII

North Beach Partners sold their interests in Jones Street on or about March 29, 2005 without a public report in violation of Section 11018.2 of the Code in conjunction with Section 2801.5 of the Regulations.

XIX

At all times mentioned in Paragraphs XIV through XVIII Respondents COYLE and ROSSI were the principals and managers of North Beach Partners, LLC.


XX

The acts and/or omissions of Respondents COYLE and ROSSI described in the Second Cause of Accusation are grounds for the suspension or revocation of their licenses and license rights under Section 10177(d) of the Code in conjunction with

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1 Sections 11018.1 and 11018.2 of the Code and Section 2801.5 of
2 the Regulations, and/or Section 10177(j) of the Code.

3 WHEREFORE, Complainant prays that a hearing be
4 conducted on the allegations of this Accusation and that upon
5 proof thereof a decision be rendered imposing disciplinary
6 action against all licenses and license rights of Respondents,
7 under the Real Estate Law (Part 1 of Division 4 of the Business
8 and Professions Code) and for such other and further relief as
9 may be proper under other provisions of law.

10
11 
12 CHARLES W. KOENIG
Deputy Real Estate Commissioner

13 Dated at Oakland, California,
14 this 25th day of October, 2007.