

FILED

OCT - 8 2009

DEPARTMENT OF REAL ESTATE



BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\*\*\*

In the Matter of the Accusation of	)	
	)	NO. H-10584 SF
LITEWATER INC.,	)	
JUDITH BROOKS and	)	OAH NO. 2009040412
ALI R. MOEIN,	)	
	)	
Respondents.	)	
_____	)	

DECISION

The Proposed Decision dated September 2, 2009, of the Administrative Law Judge of the Office of Administrative Hearings as to Respondent ALI R. MOEIN only is hereby adopted as the Decision of the Real Estate Commissioner in the above-entitled matter.

This Decision shall become effective at 12 o'clock noon on

OCT 29 2009

IT IS SO ORDERED

10/8/2009

JEFF DAVI  
Real Estate Commissioner



By WAYNE S. BELL  
Chief Counsel

BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Accusation of:

LITEWATER INC.,

JUDITH BROOKS,

and

ALI R. MOEIN,

Respondents.

No. H-10584 SF

OAH No. 2009040412

**PROPOSED DECISION**

Administrative Law Judge Nancy L. Rasmussen, Office of Administrative Hearings, State of California, heard this matter on August 4, 2009, in Oakland, California.

Department of Real Estate Counsel Truly Sughrue represented complainant E.J. Haberer II, Deputy Real Estate Commissioner, State of California.

Respondent Ali R. Moein appeared and represented himself without legal counsel.

Litewater Inc. and Judith Brooks entered into a settlement agreement with complainant before the hearing and are no longer parties to this proceeding.

The matter was submitted for decision on August 4, 2009.

**FACTUAL FINDINGS**

*License History*

1. Respondent Ali R. Moein is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) as a real estate salesperson.

2. Respondent initially applied to the Department of Real Estate for a real estate salesperson license on September 12, 2002. The application was refused because of respondent's conviction on March 5, 2001, for a violation of Penal Code section 273.5,

subdivision (a) (infliction of corporal injury upon a cohabitant or spouse), and because of respondent's failure to disclose the conviction on his application. Effective February 28, 2005, following an administrative hearing, the department denied respondent's application but granted him the right to a restricted license. On March 28, 2005, the department issued a restricted license to respondent. One of the conditions of respondent's restricted license was the following:

With the application for license, or with the application for transfer to a new employing broker, respondent shall submit a statement signed by the prospective employing real estate broker on a form RE 552 (Rev. 4/88) approved by the Department of Real Estate which shall certify as follows:

- (a) That the employing broker has read the Decision which is the basis for the issuance of the restricted license; and
- (b) That the employing broker will carefully review all transaction documents prepared by the restricted licensee and otherwise exercise close supervision over the licensee's performance of acts for which a license is required.

3. On April 5, 2005, respondent's license was activated in the employ of ICON Home Loans, Inc., effective March 28, 2005. Respondent's employment with that broker was discontinued on April 1, 2006.

4. On November 13, 2007, the department sent respondent a Notice of Intention to Suspend – Real Estate License. This notice stated:

Please be advised that, pursuant to Section 17520 of the Family Code, the Department of Real Estate (DRE) will be required, on 04/12/2008, to suspend the above referenced real estate salesperson license. This action will be taken because your name appears on a certified list, submitted by the following Department of Child Support Services (DCSS) office(s), of persons who are not in compliance with a child support order that was registered in a court in California:

[¶] . . . [¶]

DRE will suspend the above referenced license(s) unless a release is obtained from each DCSS office named above and is submitted to DRE. If all of the releases are not received by this office **before 4/12/2008**, your license(s) will be suspended indefinitely . . . .

5. On February 28, 2008, the department sent respondent a letter which stated:

On 11/13/2007, you were advised that the above referenced license(s) would be suspended effective 04/12/2008, if compliance is not achieved with a child support order under the provisions of Section 17520 Family Code.

Information indicating that you are in compliance with the provisions of Section 17520 Family Code has not been received. On 04/12/2008, your license(s) will be suspended indefinitely, and you may no longer conduct real estate licensed activities. Also, you may not collect commissions or any form of compensation for any real estate activity that requires a real estate license, if the activity occurs after 04/11/2008.

6. On May 14, 2008, the department sent respondent a Notice of Suspension. This notice stated:

Please take notice that on 11/13/2007, you were advised that the above referenced license(s) would be suspended on 04/12/2008, if compliance is not achieved with a child support order under the provisions of Section 17520 Family Code.

Information indicating that you are in compliance with the provisions of Section 17520 Family Code has not been received. Effective 04/12/2008, your license has been suspended indefinitely, and as of that date, you may no longer conduct real estate licensed activities. Also, you may not collect commissions or any form of compensation for any real estate activity that requires a real estate license, if the activity occurs after 04/11/2008.

7. On July 15, 2008, the department received a release from the Child Support Services Department for respondent dated July 7, 2008. Respondent's restricted salesperson license was reinstated from suspended status as of July 7, 2008.

8. On July 23, 2008, the department received a Restricted Salesperson Change Application activating respondent's license in the employ of Litewater Inc. Judith Brooks signed as the new broker or licensed officer. The "salesperson employment date" was listed as January 23, 2006. The department activated respondent's license in the employ of Litewater Inc. as of July 7, 2008.

9. On February 4, 2009, the Real Estate Commissioner suspended respondent's license pending a final decision on the accusation filed January 13, 2009, in this matter.

10. On March 27, 2009, respondent's license expired while under suspension.

*Employment with Litewater Inc. and Redwood Pioneer, Inc.*

11. Litewater Inc. is a licensed real estate broker doing business as RE/Max Pioneer – Saratoga Pioneer Funding Group. Litewater Inc.'s license was originally issued on February 26, 2007. Redwood Pioneer, Inc., was the corporate predecessor to Litewater Inc. Judith Brooks was the designated broker officer of Redwood Pioneer, Inc., and she is the designated broker officer of Litewater Inc.

12. On January 23, 2006, respondent signed a Broker-Associate Licensee Contract with Redwood Pioneer, Inc. Judith Brooks signed the contract on behalf of the broker. Respondent continued to work under this employment contract when the corporation changed to Litewater Inc.

13. On January 28, 2006, respondent and Judith Brooks signed a Salesperson Change Application stating that Redwood Pioneer, Inc., was respondent's new sponsoring broker. This form apparently was mailed to the department, but was rejected because it was not the right form for a real estate salesperson with a restricted license. Respondent asserts that when he was hired by Redwood Pioneer, Inc., he told the manager that he had a restricted license, and the manager said he would have to discuss the matter with Brooks. Respondent does not believe he ever gave anyone a copy of the decision which granted him the right to a restricted license. (The Restricted Salesperson Change Application requires the sponsoring broker to certify, among other things, that he or she has read the decision.)

14. Judith Brooks told Deputy Real Estate Commissioner Terrence Patterson that she did not know respondent had a restricted salesperson license. In a written declaration dated December 14, 2008, Brooks stated that her administrative staff made numerous unsuccessful attempts to inform the department that respondent was associated with Redwood Pioneer, Inc., and Litewater Inc. It was only when Brooks telephoned the department in July 2008 that she learned her company had been sending in the wrong change form. It was after this that the Restricted Salesperson Change Application referenced in Finding 8 was sent to the department and respondent's license was activated in the employ of Litewater Inc.

15. On July 6, 2006, the department sent respondent a letter stating that the requested change to his license record could not be processed because the proper change application was not submitted. Respondent was directed: "Complete and return the enclosed application."

16. On June 20, 2007, the department sent respondent a letter stating that the requested change to his license record could not be processed because the proper change application was not submitted. Respondent was directed: "Complete and return the enclosed application to place your license in the employ of Litewater, Inc."

17. On May 6, 2008, the department sent respondent a letter stating: "We have not received a reply to the enclosed. . . . No changes have been made to your license records, and the information requested in our previous correspondence is still required before the changes can be made."

18. Respondent testified that he could not recall receiving these letters from the department. He asserted that some of his mail might have been lost when he moved out of his home temporarily during "major reconstruction" of the house between 2006 and early 2007.

#### *Employment and Compensation When Not Licensed to Broker*

19. Between January 23, 2006, and July 7, 2008, respondent was employed as a real estate salesperson by Redwood Pioneer, Inc., and Litewater Inc., without the department having activated his salesperson license in the employ of either broker. During 2006, respondent closed a "handful" of real estate deals; he does not know how many deals he closed in 2007. In 2008, respondent closed three transactions before July 7, 2008. Litewater Inc. paid him commissions of \$19,809.37, \$3,719.92, and \$16,658.33, respectively, for deals which closed on January 10, 2008, March 17, 2008, and May 20, 2008.

#### *Real Estate Activity During License Suspension*

20. During the time his restricted real estate salesperson license was suspended from April 12 to July 6, 2008, respondent continued to work for Litewater Inc. and engage in activities for which a real estate license is required. These activities included the following:

- a. Respondent represented the buyers in the purchase of real property located at 1661 New Brunswick Avenue, Sunnysvale. Respondent submitted the offer in the transaction on April 11, 2008, before his license suspension took effect, but the buyers accepted the sellers' counter-offer on April 12, 2008. Respondent signed documents in connection with this transaction on and after April 12, 2008. He also had numerous conversations with the sellers' agent. (Respondent was that agent's sole contact for the buyers.) Escrow closed on May 20, 2008, and respondent accepted a \$16,658.33 commission check dated May 22, 2008.
- b. On June 7, 2008, respondent signed a listing agreement for real property located at 20401 Chalet Lane, Saratoga.<sup>1</sup>
- c. Respondent placed advertisements on craigslist offering to sell real property and a mobilehome. On July 2, 2008, respondent advertised a mobilehome for sale. On July 4, 2008, he advertised land for sale in one posting; in another

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<sup>1</sup> An offer was made on the Chalet Lane property on September 7, 2008, and the sale closed on October 9, 2008. Respondent's commission was \$44,302.25.

posting, he advertised three homes for sale in Saratoga (one was the property on Chalet Lane).

- d. Respondent posted on Multiple Listing Service listings for real property. The listing he posted on June 24, 2008, was for property located at 19935 Sea Gull Way, Saratoga. The listing he posted on June 25, 2008, was for property located at 18591 Montpere Way, Saratoga.
- e. Between April 12 and June 24, 2008, respondent posted answers to numerous real estate questions on trulia.com. Respondent's trulia profile was "Real Estate Professional" with "remax." On May 25, 2008, respondent posted the following answer:

Hello Evelyn,  
Congratulations on your decision to move in to your new home in north San Jose. Hiring a Realtor who can help you achieve your goal is the foremost important step. I'd be happy to present to you my plan to enable you achieve [sic] your goal. Please contact me at your convenience to set up a meeting so I can present to you my experience, skills and references.

Regards,  
Ali Moein  
[phone number]

21. Respondent has a seven-year-old child from a previous marriage for whom he is required to pay child support. In 2007, he got behind by several thousand dollars in his support payments. Respondent knew his real estate license could be suspended for noncompliance with a child support order, and in late 2007 and early 2008 he was attempting to pay the arrearages. In March 2007, respondent owed about \$6,000 in back payments. He felt he had no employment options except for real estate, so he decided to keep working despite his license being suspended. Respondent testified that he could have obeyed the law, but he needed to earn money. He did not inform Judith Brooks or anyone else from Litewater Inc. of his license suspension. Respondent claims that as of the end of April 2008, he had paid all his back child support (his income tax refund was sent to the Child Support Services Department), but it took him some time to get a release sent to the Department of Real Estate. According to respondent, Brooks found out about his license suspension in June 2008. When she contacted him, respondent told her he was working on getting his license reinstated.

22. Respondent testified that he feels bad about what he did, but he does not know what else he could have done. He asserts that he has always served his clients with integrity, and he did not hurt anyone by working when his license was suspended. Respondent thinks his wages should have been garnished to pay back child support rather than his license being suspended.

*Other Matters*

23. Respondent has complied with the license suspension that went into effect February 4, 2009. His income from Litewater Inc. in 2008 exceeded \$110,000, and respondent believes the current license suspension has cost him a significant amount of money. He has been unsuccessful in finding employment outside real estate, and he is now behind on his mortgage payments. This disciplinary action against his license has caused respondent a lot of stress and pain.

24. Respondent submitted e-mail messages from several past clients attesting to their satisfaction with his services as a real estate professional. (Most of respondent's real estate clients came from referrals.)

LEGAL CONCLUSIONS

1. Business and Professions Code section 10177, subdivision (d), authorizes the suspension or revocation of a license if the licensee has willfully disregarded or violated the Real Estate Law.

Business and Professions Code section 10130 provides, in relevant part: "It is unlawful for any person to engage in the business, act in the capacity of, advertise or assume to act as a real estate broker or a real estate salesman within this state without first obtaining a real estate license from the department."

Business and Professions Code section 10137 provides, in relevant part: "No real estate salesman shall be employed by or accept compensation from any person other than the broker under whom he is at the time licensed."

2. Finding 20: Cause to suspend or revoke respondent's license exists under Business and Professions Code section 10177, subdivision (d), by reason of his willful violation of Business and Professions Code section 10130 during the time his license was suspended from April 12 to July 6, 2008.

3. Finding 19: Cause to suspend or revoke respondent's license exists under Business and Professions Code section 10177, subdivision (d), by reason of his willful disregard or violation of Business and Professions Code section 10137 prior to the activation of his salesperson license in the employ of Litewater Inc. in July 2008.

4. Although there is no evidence that respondent has been dishonest in any real estate transaction, his deliberate violation of the department's suspension order for pecuniary reasons indicates a lack of integrity and trustworthiness as a licensee. Furthermore, he failed to assure that his license was properly activated with Redwood Pioneer, Inc., and Litewater Inc., when a condition of his restricted license required him to submit a form from any new employing broker certifying that the broker had read the decision which granted him the right to a restricted license. As the holder of a restricted license, respondent should have been

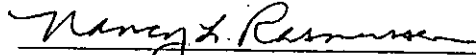


particularly scrupulous about compliance. It would be contrary to the public interest to allow him to keep his real estate license.

ORDER

All licenses and licensing rights of respondent Ali R. Moein under the Real Estate Law are revoked.

DATED: September 2, 2009

  
\_\_\_\_\_  
NANCY L. RASMUSSEN  
Administrative Law Judge  
Office of Administrative Hearings

FILED

AUG 25 2009

1 Department of Real Estate  
2 P.O. Box 187007  
3 Sacramento, CA 95818-7007  
4 Telephone: (916) 227-0781

DEPARTMENT OF REAL ESTATE

*[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\*\*\*

11 In the Matter of the Accusation of  
12 LITEWATER INC., JUDITH BROOKS, and  
13 ALI R. MOEIN,  
14 Respondents.

No. H-10584 SF

STIPULATION AND  
AGREEMENT

15 It is hereby stipulated by and between LITEWATER INC. and JUDITH  
16 BROOKS (hereafter "Respondents"), and their attorney, Frank M. Buda, and the  
17 Complainant, acting by and through Truly Sughrus, Counsel for the Department of Real  
18 Estate, as follows for the purpose of settling and disposing the Accusation filed on January 13,  
19 2009 in this matter:

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

1                   2. Respondents have received, read and understand the Statement to Respondent,  
2 and the Discovery Provisions of the APA filed by the Department of Real Estate in this  
3 proceeding.

4                   3. Respondents filed a Notice of Defense pursuant to Section 11505 of the  
5 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.  
6 Respondents hereby freely and voluntarily withdraw said Notice of Defense. Respondents  
7 acknowledges that they understand that by withdrawing said Notice of Defense they will thereby  
8 waive their rights to require the Commissioner to prove the allegations in the Accusation at a  
9 contested hearing held in accordance with the provisions of the APA, and that they will waive  
10 other rights afforded to them in connection with the hearing such as the right to present evidence  
11 in defense of the allegations in the Accusation and the right to cross-examine witnesses.  
12

13                   4. This stipulation is based on the factual allegations contained in the Accusation.  
14 In the interest of expediency and economy, Respondents chooses not to contest these factual  
15 allegations, but to remain silent and understands that, as a result thereof, these factual statements  
16 will serve as a prima facie basis for the "Determination of Issues" and "Order" set forth below.  
17 The Real Estate Commissioner shall not be required to provide further evidence to prove such  
18 allegations.  
19

20                   5. This Stipulation and Respondents' decision not to contest the Accusation are  
21 made for the purpose of reaching an agreed disposition of this proceeding and are expressly  
22 limited to this proceeding and any other proceeding or case in which the Department of Real  
23 Estate (herein "the Department"), the state or federal government, an agency of this state, or an  
24 agency of another state is involved.  
25  
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1 6. It is understood by the parties that the Real Estate Commissioner may adopt  
2 the Stipulation and Agreement as his decision in this matter thereby imposing the penalty and  
3 sanctions on the real estate licenses and license rights of Respondent as set forth in the below  
4 "Order". In the event that the Commissioner in his discretion does not adopt the Stipulation and  
5 Agreement, it shall be void and of no effect, and Respondents shall retain the right to a hearing  
6 and proceeding on the Accusation under all the provisions of the APA and shall not be bound by  
7 any admission or waiver made herein.  
8

9 7. The Order or any subsequent Order of the Real Estate Commissioner made  
10 pursuant to this Stipulation and Agreement shall not constitute an estoppel, merger or bar to any  
11 further administrative or civil proceedings by the Department of Real Estate with respect to any  
12 matters which were not specifically alleged to be causes for accusation in this proceeding.  
13

14 \* \* \*

15 DETERMINATION OF ISSUES

16 By reason of the foregoing stipulations and waivers and solely for the purpose of  
17 settlement of the pending Accusation without a hearing, it is stipulated and agreed that the  
18 following determination of issues shall be made:  
19

20 I

21 The acts and omissions of LIFEWATER INC. as described in the Accusation are  
22 grounds for the suspension or revocation of Respondent's licenses and license rights under  
23 Section 10137 of the Code in conjunction with Section 10177(d) of the Code.  
24  
25  
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II

The acts and omissions of JUDITH BROOKS (hereinafter "BROOKS") as described in the Accusation are grounds for the suspension or revocation of Respondent's licenses and license rights under Section 10177(h) of the Code.

\*\*\*

ORDER

I

All licenses and licensing rights of BROOKS under the Real Estate Law are suspended for a period of thirty (30) days from the effective date of this Order; provided, however, that:

1) Thirty (30) days of said suspension shall be stayed for one (1) year upon the following terms and conditions:

- a) Respondent shall obey all laws, rules and regulations governing the rights, duties and responsibilities of a real estate licensee in the State of California; and,
- b) That no final subsequent determination be made, after hearing or upon stipulation, that cause for disciplinary action occurred within one (1) year from the effective date of this Order. Should such a determination be made, the Commissioner may, in his discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed suspension. Should no such determination be made, the stay imposed herein shall become permanent.

II

All licenses and licensing rights of LITWATER INC. under the Real Estate Law are suspended for a period of thirty (30) days from the effective date of this Order; provided, however, that:

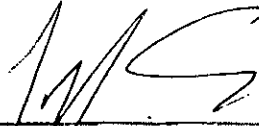
2) Thirty (30) days of said suspension shall be stayed for one (1) year upon the following terms

and conditions:

- a) Respondent shall obey all laws, rules and regulations governing the rights, duties and responsibilities of a real estate licensee in the State of California; and,
- b) That no final subsequent determination be made, after hearing or upon stipulation, that cause for disciplinary action occurred within one (1) year from the effective date of this Order. Should such a determination be made, the Commissioner may, in his discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed suspension. Should no such determination be made, the stay imposed herein shall become permanent.

7/29/09

DATED



TRULY SUGHRUE  
Counsel for Complainant

\*\*\*

I have read the Stipulation and Agreement, 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, 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.

7/29/09

DATED



Judith Brooks for  
LITB WATER INC.  
Respondent

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7/29/09  
DATED JUDITH BROOKS  
Respondent

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

7-29-09 Frank M. Buda  
DATED FRANK M. BUDA  
Attorney for Respondents

\*\*\*

The foregoing Stipulation and Agreement is hereby adopted as my Decision and shall become effective at 12 o'clock noon on **SEP 15 2009**

IT IS SO ORDERED 8-19, 2009.

JEFF DAVI  
Real estate Commissioner  
[Signature]

1 TRULY SUGHRUE, Counsel  
2 State Bar No. 223266  
3 Department of Real Estate  
4 P.O. Box 187007  
5 Sacramento, CA 95818-7007  
6  
7 Telephone: (916) 227-0781

FILED

JAN 13 2009

DEPARTMENT OF REAL ESTATE

By H. Max

8  
9 BEFORE THE DEPARTMENT OF REAL ESTATE  
10 STATE OF CALIFORNIA

11 \* \* \*

12 In the Matter of the Accusation of )

No. H-10584 SF

13 LITEWATER INC., JUDITH BROOKS )  
14 and ALI R. MOEIN )

ACCUSATION

15 Respondents. )

16  
17 The Complainant, E. J. HABERER II, a Deputy Real Estate Commissioner of the  
18 State of California, for cause of Accusation against LITEWATER INC., JUDITH BROOKS and  
19 ALI R. MOEIN, (hereinafter "Respondents"), are informed and alleges as follows:

20 PRELIMINARY ALLEGATIONS

21 1

22 The Complainant, E. J. HABERER II, a Deputy Real Estate Commissioner of the  
23 State of California, makes this Accusation in his official capacity.

24 2

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

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At all times mentioned, Respondent LITEWATER INC., (hereinafter "LITEWATER") was and is licensed by the State of California Department of Real Estate (hereinafter "Department") as a real estate broker corporation.

4

At all times mentioned, Respondent JUDITH BROOKS, (hereinafter "BROOKS") was and is licensed by the Department individually and as the designated broker officer of LITEWATER. As said designated officer-broker, BROOKS was and now is responsible pursuant to Section 10159.2 of the Code for the supervision of the activities of the officers, agents, real estate licensees and employees of LITEWATER for which a license is required.

5

At all times mentioned, Respondent ALI R. MOEIN (hereinafter "MOEIN") was and is licensed by the Department as a restricted real estate salesperson. From on or about April 12, 2008 through July 17, 2008, MOEIN's restricted real estate salesperson license was suspended pursuant to Section 17520 of the Family Code. At no time prior to July 23, 2008 was MOEIN licensed as a restricted real estate broker in the employ of LITEWATER.

6

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

7

At all times mentioned, LITEWATER engaged in the business of, acted in the capacity of, advertised or assumed to act as a real estate broker in the State of California

1 within the meaning of Section 10131(a) of the Code, including the operation and conduct of a  
2 real estate resale brokerage with the public wherein, on behalf of others, for compensation or in  
3 expectation of compensation, Respondents sold and offered to sell, bought and offered to buy,  
4 solicited prospective sellers and purchasers of, solicited and obtained listings of, and negotiated  
5 the purchase and resale of real property.

6 FIRST CAUSE OF ACTION

7 8

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

10 9

11 Between on or about April 12, 2008 and July 17, 2008, LITEWATER employed  
12 and compensated MOEIN, while MOEIN's license was suspended, to perform the acts and  
13 conduct the real estate activities described in Paragraph 7, above, including but not limited to  
14 the activities described in Paragraph 10.

15 10

16 Between on or about April 12, 2008 and on or about July 17, 2008, in course of  
17 the employment and activities described in Paragraph 9, above, MOEIN negotiated and arranged  
18 the purchase and sale of real property, including but not necessarily limited to:

19

Property Address	Buyer
1661 New Brunswick Avenue, Sunnyvale	Eugen Francu and Sebina Fedin

20  
21

22 11

23 In acting as described in Paragraphs 8 through 10, LITEWATER and MOEIN  
24 violated and/or willfully disregarded the provisions of Sections 10130 and 10137 of the Code.

25 12

26 The facts described above as to the First Cause of Accusation constitute cause to  
27 suspend or revoke all licenses and license rights of Respondents LITEWATER and MOEIN

1 pursuant to the provisions of Sections 10130 and 10137 of the Code in conjunction with Section  
2 10177(d) of the Code.

3 SECOND CAUSE OF ACTION

4 13

5 Each and every allegation in Paragraphs 1 through 12, inclusive, above, is  
6 incorporated by this reference as if fully set forth herein.

7 14

8 Respondent BROOKS failed to exercise reasonable supervision over the acts of  
9 Respondent LITEWATER in such a manner as to allow the acts and events described above to  
10 occur.

11 15

12 The acts and/or omissions of BROOKS described in Paragraph 14, constitute  
13 failure on the part of BROOKS, as designated broker-officer for LITEWATER, to exercise  
14 reasonable supervision and control over the licensed activities of LITEWATER required by  
15 Section 10159.2 of the Code.

16 16

17 The facts described above as to the Second Cause of Accusation constitute cause  
18 for the suspension or revocation of the licenses and license rights of Respondent BROOKS  
19 under Section 10177(g) and/or Section 10177(h) of the Code and Section 10159.2 of the Code  
20 in conjunction with Section 10177(d) of the Code.

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

6 

7 \_\_\_\_\_  
8 E. J. HABERER II  
9 Deputy Real Estate Commissioner

10 Dated at Oakland, California,  
11 this 5<sup>th</sup> day of January, 2009  
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