

FILED
FEB - 8 2005
DEPARTMENT OF REAL ESTATE

1 ELLIOTT MAC LENNAN, Counsel (SBN 66674)
2 Department of Real Estate
3 320 W. 4TH Street, Suite 350
4 Los Angeles, CA 90013-1105

5 Telephone: (213) 576-6982 (Office)
6 -or- (213) 576-6911 (Direct)

By K. M. Maderholt

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 TANMON INC., doing business as Realty)
13 Executives Canyon Country and as)
14 Realty Executives Agua Dulce, and,)
15 DAVID ENNIS LOYD, individually and as)
16 designated officer of Tanmon. Inc.,)
17 Respondents.)

No. H-30882 LA

STIPULATION
AND
AGREEMENT

18 It is hereby stipulated by and between Respondents
19 TANMON INC., a corporate real estate broker doing business as
20 Realty Executives Canyon Country and Realty Executives Agua
21 Dulce, as and DAVID ENNIS LOYD, individually and as designated
22 officer of TANMON INC. (sometimes collectively referred to as
23 "Respondents"), represented by Olga Moretti, Esq., of Spile &
24 Siegal, LLP, and the Complainant, acting by and through Elliott
25 Mac Lennan, Counsel for the Department of Real Estate, as follows
26 for the purpose of settling and disposing of the Accusation filed
27 on May 4, 2004, in this matter:

1 1. All issues which were to be contested and all
2 evidence which was to be presented by Complainant and Respondents
3 at a formal hearing on the Accusation, which hearing was to be
4 held in accordance with the provisions of the Administrative
5 Procedure Act ("APA"), shall instead and in place thereof be
6 submitted solely on the basis of the provisions of this
7 Stipulation and Agreement ("Stipulation").
8

9 2. Respondents have received, read and understand the
10 Statement to Respondent, the Discovery Provisions of the APA and
11 the Accusation filed by the Department of Real Estate in this
12 proceeding.

13 3. Respondents timely filed a Notice of Defense
14 pursuant to Section 11506 of the Government Code for the purpose
15 of requesting a hearing on the allegations in the Accusation.
16 Respondents hereby freely and voluntarily withdraw said Notice of
17 Defense. Respondents acknowledge that they understand that by
18 withdrawing said Notice of Defense they thereby waive their right
19 to require the Commissioner to prove the allegations in the
20 Accusation at a contested hearing held in accordance with the
21 provisions of the APA and that they will waive other rights
22 afforded to them in connection with the hearing such as the right
23 to present evidence in their defense the right to cross-examine
24 witnesses.
25

26 4. This Stipulation is based on the factual
27 allegations contained in the Accusation. In the interest of

1 expedience and economy, Respondents choose not to contest these
2 allegations, but to remain silent and understand that, as a
3 result thereof, these factual allegations, without being admitted
4 or denied, will serve as a prima facie basis for the disciplinary
5 action stipulated to herein. The Real Estate Commissioner shall
6 not be required to provide further evidence to prove said factual
7 allegations.

8
9 5. This Stipulation and Respondents decision not to
10 contest the Accusation is made for the purpose of reaching an
11 agreed disposition of this proceeding and is expressly limited to
12 this proceeding and any other proceeding or case in which the
13 Department of Real Estate ("Départment"), the state or federal
14 government, or any agency of this state, another state or federal
15 government is involved.

16 6. It is understood by the parties that the Real
17 Estate Commissioner may adopt this Stipulation as his Decision in
18 this matter thereby imposing the penalty and sanctions on
19 Respondents' real estate licenses and license rights as set forth
20 in the "Order" herein below. In the event that the Commissioner
21 in his discretion does not adopt the Stipulation, it shall be
22 void and of no effect and Respondents shall retain the right to a
23 hearing and proceeding on the Accusation under the provisions of
24 the APA and shall not be bound by any stipulation or waiver made
25 herein.
26
27

1 7. The Order or any subsequent Order of the Real
2 Estate Commissioner made pursuant to this Stipulation shall not
3 constitute an estoppel, merger or bar to any further
4 administrative or civil proceedings by the Department of Real
5 Estate with respect to any matters which were not specifically
6 alleged to be causes for Accusations in this proceeding but do
7 constitute a bar, estoppel and merger as to any allegations
8 actually contained in the Accusations against Respondent herein.

9 8. Respondents understand that by agreeing to this
10 Stipulation, Respondents agree to pay, pursuant to Business and
11 Professions Code Section 10148, the cost of the audit (TANMON
12 INC. - LA 020193, LA 020213 and LA 020232) which led to this
13 disciplinary action. The amount of said cost is \$7,284.28.

14 9. Respondents have received, read, and understand the
15 "Notice Concerning Costs of Subsequent Audit". Respondents
16 further understand that by agreeing to this Stipulation, the
17 findings set forth below in the Determination of Issues become
18 final, and the Commissioner may charge Respondents for the cost
19 of any subsequent audit conducted pursuant to Business and
20 Professions Code Section 10148 to determine if the violations
21 have been corrected. The maximum cost of the subsequent audit
22 will not exceed \$7,284.28.

23
24 ///

25 ///

26 ///

27

DETERMINATION OF ISSUES

1
2 By reason of the foregoing, it is stipulated and agreed
3 that the following determination of issues shall be made:

I

4
5 The conduct of TANMON INC., as described in Paragraph
6 4, above, is in violation of Section 10145 of the Business and
7 Professions Code ("Code") and Sections 2731, 2831, 2831.1,
8 2831.2, 2832, 2832.1, 2950(d), 2950(g) and 2951 of Title 10,
9 Chapter 6 of the California Code of Regulations ("Regulations")
10 and is a basis for the suspension or revocation of Respondent's
11 license and license rights as a violation of the Real Estate Law
12 pursuant to Code Section 10177(d).

II

13
14 The conduct of DAVID ENNIS LOYD, as described in
15 Paragraph 4, constitutes a failure to keep TANMON INC. in
16 compliance with the Real Estate Law during the time that he was
17 the officer designated by a corporate broker licensee in
18 violation of Section 10159.2 of the Code. This conduct is a
19 basis for the suspension or revocation of Respondent's license
20 pursuant to Code Sections 10177(d) and 10177(h).

22 ///

23 ///

24 ///

25 ///

26 ///

27

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

I

All licenses and licensing rights of Respondents

TANMON INC., and DAVID ENNIS LOYD under the Real Estate Law are suspended for a period of ninety (90) days from the effective date of this Decision; provided, however, that sixty (60) days of said suspension shall be stayed for two (2) years upon the following terms and conditions:

A. Prior to the effective date of this Decision Respondents provide evidence satisfactory to the Commissioner that the trust fund deficits set forth in (LA 020193, LA 020213 and LA 020232), in the amount of \$21,181.55, has been cured, including the identity of the source of funds used to cure it; and

B. The initial thirty (30) day portion of said ninety (90) day suspension shall commence on the effective date of this Decision; provided, however, that if a Respondent petitions, said suspension shall be stayed upon condition that:

1. Pursuant to Section 10175.2 of the Business and Professions Code, Respondents each pay a monetary penalty of fifty dollars (\$83.33) per day totaling Two Thousand Five Hundred Dollars (\$2,500) for a total of Five Thousand Dollars (\$5,000).

2. Said payment shall be in the form of a cashier's check or certified check made payable to the Recovery

1 Account of the Real Estate Fund. Said check must be received
2 by the Department prior to the effective date of the Decision
3 in this matter.

4 3. No further cause for disciplinary action against
5 the real estate license of Respondents occurs within two (2)
6 years from the effective date of the Decision in this matter.

7 4. If a Respondent fails to pay the monetary penalty
8 in accordance with the terms and conditions of the Decision, the
9 Commissioner may, without a hearing, order the immediate
10 execution of all or any part of the stayed suspension in which
11 event that Respondent shall not be entitled to any repayment nor
12 credit, prorated or otherwise, for money paid to the Department
13 under the terms of this Decision.

14 5. If Respondents pay the monetary penalty and if no
15 further cause for disciplinary action against the real estate
16 licenses of Respondents occurs within two (2) years from the
17 effective date of the Decision, the stay hereby granted shall
18 become permanent.
19

20 C. The remaining sixty (60) days of the ninety (90)
21 day suspension shall be stayed for two (2) years upon the
22 following terms and conditions:

23 (1) Respondents shall obey all laws, rules and
24 regulations governing the rights, duties and responsibilities of
25 a real estate licensee in the State of California; and

26 (2) That no final subsequent determination be made
27 after hearing or upon stipulation, that cause for disciplinary

1 action occurred within two (2) years of the effective date of
2 this Decision. Should such a determination be made, the
3 Commissioner may, in her discretion, vacate and set aside the
4 stay order and reimpose all or a portion of the stayed
5 suspension. Should no such determination be made, the stay
6 imposed herein shall become permanent.

7 D. All licenses and licensing rights of Respondent
8 DAVID ENNIS LOYD are indefinitely suspended unless or until
9 Respondent provides proof satisfactory to the Commissioner, of
10 having taken and successfully completed the continuing education
11 course on trust fund accounting and handling specified in
12 paragraph (3) of subdivision (a) of Section 10170.5 of the
13 Business and Professions Code. Proof of satisfaction of this
14 requirement includes evidence that Respondent has successfully
15 completed the trust fund account and handling continuing
16 education course within 120 days prior to the effective date of
17 the Decision in this matter.

18
19 E. Respondent DAVID ENNIS LOYD shall within six (6)
20 months from the effective date of Decision, take and pass the
21 Professional Responsibility Examination administered by the
22 Department including the payment of the appropriate examination
23 fee. If Respondent fails to satisfy this condition, the
24 Commissioner may order suspension of the restricted license until
25 respondent passes the examination.

26 ///

27

II

1
2 Pursuant to Section 10148 of the Business and
3 Professions Code, Respondents shall pay the Commissioner's
4 reasonable cost for (a) the audits which led to this
5 disciplinary action and (b) a subsequent audits to determine if
6 Respondent TANMON INC. and DAVID ENNIS LOYD are now in
7 compliance with the Real Estate Law. The cost of the audit
8 which led to this disciplinary action is \$7,284.28. In
9 calculating the amount of the Commissioner's reasonable cost,
10 the Commissioner may use the estimated average hourly salary for
11 all persons performing audits of real estate brokers, and shall
12 include an allocation for travel time to and from the auditor's
13 place of work. Said amount for the prior and subsequent audits
14 shall not exceed \$14,568.56. Respondents are jointly and
15 severally liable for the cost of the audits.

16
17 Respondents shall pay such cost within 60 days of
18 receiving an invoice from the Commissioner detailing the
19 activities performed during the audit and the amount of time
20 spent performing those activities.

21 The Commissioner may suspend the license of Respondents
22 pending a hearing held in accordance with Section 11500, et seq.,
23 of the Government Code, if payment is not timely made as provided
24 for herein, or as provided for in a subsequent agreement between
25 the Respondents and the Commissioner. The suspension shall
26 remain in effect until payment is made in full or until a
27

1 Respondent enters into an agreement satisfactory to the
2 Commissioner to provide for payment, or until a decision
3 providing otherwise is adopted following a hearing held pursuant
4 to this condition.

5 DATED: 12-27-04

6 ELLIOTT MAC LENNAN, Counsel for
7 the Department of Real Estate

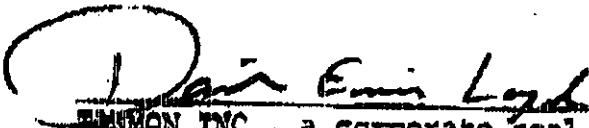
8 * * *

9 EXECUTION OF THE STIPULATION

10 We have read the Stipulation, and have discussed it
11 with our counsel. Its terms are understood by us and are
12 agreeable and acceptable to us. We understand that we are
13 waiving rights given to us by the California Administrative
14 Procedure Act (including but not limited to Sections 11506,
15 11508, 11509 and 11513 of the Government Code), and we willingly,
16 intelligently and voluntarily waive those rights, including the
17 right of requiring the Commissioner to prove the allegations in
18 the Accusation at a hearing at which we would have the right to
19 cross-examine witnesses against us and to present evidence in
20 defense and mitigation of the charges.

21 Respondents can signify acceptance and approval of the
22 terms and conditions of this Stipulation by faxing a copy of its
23 signature page, as actually signed by Respondents, to the
24 Department at the following telephone/fax number: Elliott Mac
25 Lennan at (213) 576-6917. Respondents agree, acknowledge and
26 understand that by electronically sending to the Department a fax
27

1 copy of Respondents' actual signature as they appear on the
2 Stipulization, that receipt of the faxed copy by the Department
3 shall be as binding on Respondents as if the Department had
4 received the original signed Stipulation.

5
6 DATED: 1-4-5 
7 TANNON INC., a corporate real
8 estate broker,
9 BY: DAVID ENNIS LOYD, D.O.,
10 Respondent

11 DATED: 1-4-5 
12 DAVID ENNIS LOYD, individually and
13 as designated officer of TANNON
14 INC., Respondent

15 DATED: 1-4-5 
16 OLGA HORVATI, ESQ.
17 Attorney for Respondents
18 Approved as to form

19 * * *

20 The foregoing Stipulation and Agreement is hereby
21 adopted as my Decision as to Respondents TANNON INC. and DAVID
22 ENNIS LOYD, individually and as designated officer of TANNON INC.
23 and shall become effective at 12 o'clock noon on
24 _____, 2005.

25 IT IS SO ORDERED _____, 2005.

26 JEFF DAVI
27 Real Estate Commissioner

1 copy of Respondents' actual signature as they appear on the
2 Stipulation, that receipt of the faxed copy by the Department
3 shall be as binding on Respondents as if the Department had
4 received the original signed Stipulation.

5
6 DATED: _____

7 TANMON INC., a corporate real
8 estate broker,
9 BY: DAVID ENNIS LOYD, D.O.,
10 Respondent

11 DATED: _____

12 DAVID ENNIS LOYD, individually and
13 as designated officer of TANMON
14 INC., Respondent

15 DATED: _____

16 OLGA MORETTI, ESQ.
17 Attorney for Respondents
18 Approved as to form

19 * * *

20 The foregoing Stipulation and Agreement is hereby
21 adopted as my Decision as to Respondents TANMON INC. and DAVID
22 ENNIS LOYD, individually and as designated officer of TANMON INC.
23 and shall become effective at 12 o'clock noon on

24 FEB 28, 2005.

25 IT IS SO ORDERED 1-25-05, 2005.

26 JEFF DAVI
27 Real Estate Commissioner

Handwritten signature

**BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

FILED
SEP 21 2004
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

TANMON INC., ET AL.,

By *K. Kennedy*

Case No. H-30882 LA

OAH No. L-2004050625

}
}

Respondent

NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at **Office of Administrative Hearings, 320 West Fourth Street, Ste. 630, Los Angeles, CA** on **January 11-13, 2005**, at the hour of **9:00 a.m.**, or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: SEP 21 2004

By

EL

ELLIOTT MAC LENNAN, Counsel

cc: Tanmon Inc./David Ennis Loyd
Steven D. Spiel, Esq./Olga Moretti, Esq.
Sacto/OAH/LA

Sachs Day

FILED
MAY - 4 2004
DEPARTMENT OF REAL ESTATE

1 ELLIOTT MAC LENNAN, Counsel
State Bar No. 66674
2 Department of Real Estate
320 West Fourth Street, Suite 350
3 Los Angeles, California 90013-1105
4 (213) 576-6911

By *K. Niederholt*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) NO. H-30882 LA
12)
13 TANMON, INC., doing business as)
14 Realty Executives Canyon Country)
and as Realty Executives Agua Dulce,)
15 and DAVID ENNIS LOYD,)
individually and as designated)
16 officer of Tanmon, Inc.)
17 Respondents.)

18 The Complainant, Maria Suarez, a Deputy Real Estate
19 Commissioner of the State of California, for cause of Accusation
20 against TANMON, INC., doing business as Realty Executives Canyon
21 Country and as Realty Executives Agua Dulce; and DAVID ENNIS
22 LOYD, individually and as designated officer of Tanmon, Inc., is
23 informed and alleges as follows:
24

25 ///
26 ///
27 ///

1 1.

2 The Complainant, Maria Suarez, a Deputy Real Estate
3 Commissioner of the State of California makes this Accusation in
4 her official capacity.

5 2.

6 All references to the "Code" are to the California
7 Business and Professions Code and all references to
8 "Regulations" are to Title 10, Chapter 6, California Code of
9 Regulations.

10 3.

11 TANMON, INC., doing business as Realty Executives
12 Canyon Country and doing business as Realty Executives Agua
13 Dulce (hereinafter "TI") and DAVID ENNIS LOYD, individually and
14 as designated officer of Tanmon, Inc., (hereinafter "LOYD")
15 (sometimes hereinafter collectively referred to as Respondents)
16 are presently licensed or have license rights under the Real
17 Estate Law (Part 1 of Division 4 of the Business and Professions
18 Code, hereinafter "Code").

19 4.

20 At all times material herein, TI was licensed by the
21 Department of Real Estate of the State of California
22 (hereinafter "Department") as a corporate real estate broker by
23 and through LOYD, as the designated officer and broker
24 responsible, pursuant to Code Section 10159.2 of the Business
25 and Professions Code for supervising the activities requiring a
26
27

1 real estate license conducted on behalf TI of by TI's officers,
2 agents and employees.

3 TI was originally licensed on January 13, 1993. LOYD
4 was originally licensed as a real estate broker on June 12,
5 1978, and as designated officer of TI on September 30, 2003.

6 5.

7 All further references to "Respondents", unless
8 otherwise specified, includes the parties identified in
9 Paragraphs 3 and 4, above, and also includes the officers,
10 directors, managers, employees, agents and/or real estate
11 licensees employed by or associated with said parties, who at
12 all times material herein were engaged in the furtherance of the
13 business or operations of said parties and who were acting
14 within the course and scope of their authority, agency, or
15 employment.
16

17 6.

18 At all times material herein, Respondent TI engaged in
19 the business as a real estate broker as follows:

20 A. Code Section 10131(a) of the Code in that TI
21 operated a residential property resale brokerage;

22 B. Code Section 10131(b) of the Code in that TI
23 operated a property management brokerage; and,

24 C. Conducted broker-controlled escrows as an escrow
25 holder, servicer and/or agent, through its escrow division,
26 Valleywide Escrow, Inc. under the exemption set forth in
27

1 California Financial Code Section 17006(a)(4) for real estate
2 brokers performing escrows incidental to a real estate
3 transaction where the broker is a party and where the broker is
4 performing acts for which a real estate license is required.

5 7.

6 On January 27, 2003, the Department completed an audit
7 examination of the books and records of TI pertaining to its
8 residential resale property, property management and broker-
9 escrow activities, requiring a real estate license as described
10 in Paragraph 4. The audit examination covered a period of time
11 beginning March 1, 2001 to October 31, 2002. The audit
12 examination revealed violations of the Code and the Regulations
13 as set forth below, and more fully discussed in Audit Reports LA
14 020193 (broker-escrow), LA 020213 (residential property resale)
15 and LA 010232 (property management) and the exhibits and
16 workpapers attached to said audit reports.

17 8.

18 At all times material herein, in connection with the
19 activities described in Paragraph 6, above, Respondents TI and
20 LOYD accepted or received funds including funds in trust
21 (hereinafter "trust funds") from or on behalf of actual or
22 prospective parties to transactions handled by Respondents TI
23 and LOYD and thereafter made deposits and or disbursements of
24 such funds. From time to time herein mentioned during the audit
25
26
27

1 period, said trust funds were deposited and/or maintained by
2 Respondents TI and LOYD in the bank accounts as follows:

3 "Tanmon Inc. dba Realty Executives Canyon Country
4 Escrow Trust Account"
5 Account No. 1891010355" ("B E T/A ")
6 Commercica Bank

7 "Tanmon Inc. dba T & M Property Management Trust Account
8 Account No. 0413258642" ("PM T/A #1")
9 City National Bank

10 "Jim Tanner Property Management Trust Account
11 Account No. 3006433" ("PM T/A #2")
12 Valencia Bank and Trust

13 10.

14 In the course of activities described in Paragraphs 6,
15 7 and 8, above, and during the examination period described in
16 Paragraph 7, Respondents TI and LOYD, acted in violation of the
17 Code and the Regulations in that:

18 (a) as of October 31, 2002, B E T/A had a shortage in
19 the amount of approximately \$21,181.55. Respondents TI and LOYD
20 caused, permitted and/or allowed, the withdrawal or disbursement
21 of trust funds from B E T/A, thereby reducing the balance of
22 funds in the account to an amount less than the aggregate trust
23 fund liability of the broker to all owners of the trust funds
24 without prior written consent of every principal who then was an
25 owner of funds in the account, in violation of Code Section
26 10145 and Regulations 2832.1, 2950(d), 2950(g) and 2951.

27 ///

1 (b) as of October 31, 2002, PM T/A #1 had a shortage
2 in the amount of approximately \$551.96. Respondents TI and LOYD
3 caused, permitted and/or allowed, the withdrawal or disbursement
4 of trust funds from PM T/A #1, thereby reducing the balance of
5 funds in the account to an amount less than the aggregate trust
6 fund liability of the broker to all owners of the trust funds
7 without prior written consent of every principal who then was an
8 owner of funds in the account, in violation of Code Section
9 10145 and Regulation 2832.1;

10 (c) as of October 31, 2002, PM T/A #2 had a shortage
11 in the amount of approximately \$1,741.31. Respondents TI and
12 LOYD caused, permitted and/or allowed, the withdrawal or
13 disbursement of trust funds from PM T/A #2, thereby reducing the
14 balance of funds in the account to an amount less than the
15 aggregate trust fund liability of the broker to all owners of
16 the trust funds without prior written consent of every principal
17 who then was an owner of funds in the account, in violation of
18 Code Section 10145 and Regulation 2832.1;

19 (d) Failed to maintain an adequate control record in
20 the form of a columnar record in chronological order of all
21 trust funds received, deposited into, and disbursed from the T/A
22 #1 and T/A #2, as required by Code Section 10145 and Regulation
23 2831.
24

25 (e) Failed to maintain an adequate separate record for
26 each beneficiary or transaction, thereby failing to account for
27

1 all trust funds received, deposited into, and disbursed from T/A
2 #1 and T/A #2, as required by Code Section 10145 and Regulation
3 2831.1.

4 (f) Failed to perform a monthly reconciliation of the
5 balance of all separate beneficiary or transaction records
6 maintained pursuant to Regulation 2831.1 with the record of all
7 trust funds received and disbursed by T/A #1 and T/A #2, as
8 required by Regulation 2831.2.

9 (g) Failed to place funds accepted on behalf of buyers
10 in the form of escrow deposits into the hands of the owner of
11 the funds, into a neutral escrow depository or into a trust fund
12 account in the name of the broker as trustee at a bank or other
13 financial institution not later than three business days
14 following receipt of the funds, as required by Code Section
15 10145 and Regulation 2832, in violation of Code Section 10145 of
16 the Code and Regulations 2832, 2950(d) and 2951. Escrow trust
17 funds were placed into a Department of Corporation s bank
18 account which was not in the name of the broker as trustee,
19 Tanmon, Inc. but in the name of Valleywide Escrow Inc.; and

21 (h) Withdrew or paid out escrow monies from B E T/A
22 without the prior written consent of every principal or party
23 paying the monies into the respective escrow accounts, in
24 violation of Regulation 2950(g); and

25 (i) Used the fictitious names "T & M Property
26 Management" and "Jim Tanner Property Management" to conduct
27

1 broker-controlled escrow activities by placing these unlicensed
2 names on T/A #1 and T/A #2, without holding a license bearing
3 the fictitious business names, in violation of Regulation 2731.

4 11.

5 The conduct, acts and omissions of Respondents
6 TI and LOYD as described in Paragraph 10, above, violated the
7 Code and the Regulations as set forth below:

8 PARAGRAPH

9 PROVISIONS VIOLATED

10 10(a)	Code Section 10145 11 and Regulations 2832.1, 12 2950(d), 2950(g) and 2951
13 10(b)	Code Section 10145 14 and Regulation 2832.1
15 10(c)	Code Section 10145 16 and Regulation 2832.1
17 10(d)	Code Section 10145 18 and Regulation 2831
19 10(e)	Code Section 10145 20 and Regulation 2831.1
21 10(f)	Code Section 10145 22 and Regulation 2831.2

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

10(g)

Code Section 10145
and Regulation 2832

10(h)

Code Section 10145
and Regulation 2950(g)

10(i)

Regulation 2731

Each of the foregoing violations constitutes cause for the suspension or revocation of all real estate licenses and license rights of Respondents TI and LOYD, under the provisions of Code Section 10177(d) and/or 10177(g).

12.

The conduct, acts and/or omissions of LOYD, in causing, allowing, or permitting TI to violate the Real Estate Law, as described, herein above, constitutes failure on the part of Respondent LOYD, as the officer designated by a corporate broker licensee, to exercise the reasonable supervision and control over the licensed activities of TI, as required by Code Section 10159.2. Said conduct is cause to suspend or revoke the real estate licenses and license rights of LOYD pursuant to the provisions of Code Sections 10177(d) or 10177(g) and 10177(h).

///

///

///

///

///

1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations made by the Accusation and, that
3 upon proof thereof, a decision be rendered imposing disciplinary
4 action against all licenses and license rights of Respondent
5 TANMON, INC., doing business as Realty Executives Canyon Country
6 and as Realty Executives Agua Dulce and DAVID ENNIS LOYD,
7 individually and as designated officer of Tanmon, Inc., under the
8 Real Estate Law (Part 1 of Division 4 of the Business and
9 Professions Code) and for such other and further relief as may
10 be proper under other applicable provisions of law.

11 Dated at Los Angeles, California *May 3, 2004.*

12
13
14 
15 Deputy Real Estate Commissioner

16
17
18
19
20
21
22
23 cc: Tanmon, Inc.
24 c/o David Ennis Loyd
25 LA Audit Section
26 Sacto.
27 LWA