

facts part

FILED

DEC - 3 2012

JAMES DEMUS, Counsel (SBN 225005)
Department of Real Estate
320 West Fourth St., #350
Los Angeles, CA 90013

DEPARTMENT OF REAL ESTATE
BY: James B. Demus

(213) 576-6982
(213) 576-6910 (direct)

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

No. H-38579 LA

ANITA MARIE MC GREGOR,

A C C U S A T I O N

Respondent.

The Complainant, Veronica Kilpatrick, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against ANITA MARIE MC GREGOR, alleges as follows:

I

The Complainant, Veronica Kilpatrick, acting in her official capacity as a Deputy Real Estate Commissioner of the State of California, makes this Accusation against ANITA MARIE MC GREGOR.

II

ANITA MARIE MC GREGOR (hereinafter referred to as "Respondent") is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business

1 and Professions Code, hereinafter "Code") as a real estate
2 broker. Respondent was first licensed as a broker on or about
3 September 20, 1985. Between August 25, 2009 and January 13,
4 2010, Respondent's broker license was suspended pursuant to Code
5 Section 10475 for failure to repay the Consumer Recovery Account
6 for funds issued toward satisfaction of a judgment against
7 Respondent, in Case No. R-4220.

8 III

9 AMC Properties, is not now, nor has it ever been,
10 licensed by the California Department of Real Estate
11 ("Department") as a fictitious business name for Respondent.

12 IV

13 First Cause for Accusation

14 (Unlicensed Activity)

15 During the time period when her broker license was
16 suspended, Respondent engaged in the business of a real estate
17 broker in the State of California within the meaning of Code
18 Section 10131(a), including selling or offering to sell, buying
19 or offering to buy real property for others, including, but not
20 limited to, the following real estate sales activities.

21 V

22 Paul & Betty M. Transaction

23 On or about December 26, 2009 Respondent signed a
24 Residential Purchase Agreement and Joint Escrow Instructions for
25 the buyers Paul & Betty M., which listed Respondent as a real
26 estate broker and used Respondent's suspended license number.

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VI

Dale W. Transaction

On or about January 5, 2010, Respondent signed a Residential Purchase Agreement and Joint Escrow Instructions for the buyer Dale W., which listed Respondent as a real estate broker and used Respondent's suspended license number.

VII

Doug P. & Greg C. Transaction

On or about December 14, 2009 Respondent signed a Residential Purchase Agreement and Joint Escrow Instructions for the buyers Doug P. & Greg C., which listed Respondent as a real estate broker. Also on December 14, 2009, Respondent signed a Disclosure Regarding Real Estate Agency Relationship with Doug P. & Greg C., which listed Respondent as a real estate broker.

VIII

In aggravation, Respondent signed the following documents, which named Respondent as a broker, while her license was suspended:

| Document | Clients | Date |
|--------------------------------|-----------------------|----------|
| Residential Purchase Agreement | Steven & Shirley B. | 11/6/09 |
| Residential Purchase Agreement | Gregory & Kimberly G. | 10/10/09 |
| Real Estate Agency Agreement | Gregory & Kimberly G. | 10/10/09 |
| Residential Purchase Agreement | Michael & Michelle S. | 11/9/09 |
| Commission Instructions | Michael & Michelle S. | 11/17/09 |
| Residential Listing Agreement | Brian & Lisa H. | 10/27/09 |

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IX

The conduct, acts, or omissions of Respondent, as described in paragraphs IV through VII above, is in violation of Code Sections 119(e) and 10130.

X

Second Cause for Accusation

(Unlicensed Fictitious Business Name)

Respondent used the fictitious business name "AMC Properties" in the real estate transactional documents described in paragraphs V through VII above, without a license bearing such fictitious name, in violation of Code Section 10159.5 and Section 2731 of Title 10, Chapter 6, California Code of Regulations ("Regulations").

XI

Third Cause for Accusation

(Failure to Register Address Change)

Respondent conducted real estate broker activities at 80455 Pebble Beach, Indio, CA 92201 for approximately six months without notifying the Commissioner of the Department regarding this new address, in violation of Code Section 10162 and Regulation 2715.

XII

Fourth Cause for Accusation

(Failure to Retain Records)

Respondent failed to retain records for transactions for which a license is required, in violation of Code Section 10148.

1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against all licenses and license rights of Respondent
5 ANITA MARIE MC GREGOR under the Real Estate Law, that Complainant
6 be awarded its costs of investigation and prosecution of this
7 case, and for such other and further relief as may be proper
8 under the provisions of law.

9 Dated at San Diego, California

10 this 29 day of November, 2012.

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13 
14 VERONICA KILPATRICK
15 Deputy Real Estate Commissioner
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25 cc: Anita Marie Mc Gregor
26 Veronica Kilpatrick
27 Sacto.