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DEPARTMENT OF REAL ESTATE
BY: *[Signature]*

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BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

11 In the Matter of the Accusation of

No. H- 39039 LA

12 GLOBAL VACATIONS MARKETING CORP
13 doing business as Global Exchange Vacation Club;
14 and RICHARD DALE SARGENT, individually
15 and as designated officer of Global Vacations
Marketing Corp,

ACCUSATION

16 Respondents.

17 The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of
18 California, for cause of Accusation against GLOBAL VACATIONS MARKETING CORP doing
19 business as Global Exchange Vacation Club, and RICHARD DALE SARGENT, individually
20 and as designated officer of Global Vacations Marketing Corp, is informed and alleges as
21 follows:

22 1.

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

25 2.

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

1 3.

2 Respondent GLOBAL VACATIONS MARKETING CORP ("GLOBAL") is
3 licensed by the Bureau of Real Estate ("Bureau") as a corporate real estate broker. Respondent
4 GLOBAL was originally licensed as a corporate real estate broker on or about May 8, 2001, with
5 Respondent RICHARD DALE SARGENT ("SARGENT") as its designated officer. GLOBAL
6 registered the licensed fictitious business name "Global Exchange Vacation Club" beginning
7 May 8, 2001. GLOBAL's corporate real estate broker license expired on May 7, 2013. Pursuant
8 to Code Section 10201, GLOBAL has a two-year right of renewal. Pursuant to Code Section
9 10103, the Bureau of Real Estate retains jurisdiction.

10 4.

11 Respondent SARGENT is licensed by the Bureau as a real estate broker.
12 Respondent SARGENT was originally licensed as a real estate salesperson on January 25, 1986,
13 and as a real estate broker on June 15, 1995. Respondent SARGENT owns 100% of GLOBAL.

14 5.

15 At all times mentioned, in the city of Mission Viejo, County of Orange,
16 Respondents engaged in the business of, acted in the capacity of, advertised, or assumed to act as
17 a real estate brokers within the meaning of Code Section 10131(a), including the selling, offering
18 for sale, solicitation of prospective purchasers, and negotiation of the purchase and sale of real
19 property, to wit: timeshare interests.

20 6.

21 On June 28, 2012, the Bureau completed an audit examination of the books and
22 records of GLOBAL pertaining to the real estate sales activities described in paragraph 5, above.
23 The audit examination covered the period of time from July 1, 2009, to February 29, 2012. The
24 primary purpose of the examination was to determine Respondents' compliance with the Real
25 Estate Law. The audit examination revealed numerous violations of the Code and the
26 Regulations as set forth in the following paragraphs, and more fully discussed in Audit Report
27 LA 10-0274 and the exhibits and work papers attached to that audit report.

1 7.

2 At all times herein relevant, in connection with the activities described in
3 Paragraph 5, above, GLOBAL accepted or received funds, and funds in trust (hereinafter "trust
4 funds") including, but not limited to, purchase money deposits. Thereafter, GLOBAL made
5 deposits and or disbursements of such trust funds. From time to time herein mentioned during
6 the audit period, said trust funds were deposited and/or maintained by GLOBAL in its general
7 business bank accounts, as GLOBAL did not maintain a trust account during the audit period.

8 8.

9 With respect to the licensed activities referred to in Paragraph 5, and the audit
10 examination including the exhibits and work papers referenced in Paragraph 6, it is alleged that
11 Respondents:

12 (a)(1) Employed and compensated Jeff Scott Peterson and Timothy Suggs as real
13 estate salespersons even though the real estate licenses of Peterson and Suggs had previously
14 been revoked by the Bureau of Real Estate prior to such employment and compensation, in
15 violation of Code Sections 10130 and 10137;

16 (a)(2) Employed and compensated real estate salesperson Maria Vertucci, when
17 Vertucci was not licensed in the employ of either Respondent, in violation of Code Sections
18 10130 and 10137;

19 (b) Failed to place deposits collected from purchasers into a trust account in
20 the name of the broker as trustee at a bank or other financial institution, in violation of Code
21 Section 10145 and Regulation 2832.

22 (c) Failed to maintain a separate record for each beneficiary of trust funds
23 collected, in violation of Code Section 10145 and Regulation 2831.1.

24 (d) Failed to perform a monthly reconciliation of the balance of all separate
25 purchaser records maintained pursuant to Regulation 2831.1 with the record of all trust funds
26 received and disbursed in violation of Code Section 10145 and Regulation 2831.2.

1 (e) Failed to maintain a columnar record of the receipt and disbursement of
2 trust funds, in violation of Code Section 10145 and Regulations 2831.

3 (f) Permitted three unlicensed and unbonded individuals to be signatories on
4 the general bank account Respondents used for the deposit of trust funds in violation of Code
5 Section 10145 and regulation 2834.

6 (g) Failed to provide timeshare purchasers with a copy of the then current
7 public report issued by the Bureau of Real Estate in violation of Code Sections 11018.1(a),
8 11234, and 11245.

9 (h) Failed to pay assessments on timeshare interests held by the developer, in
10 violation of Code Section 11265.

11 (i) As to Respondent SARGENT, failed to exercise reasonable supervision
12 over the activities of GLOBAL, and over his employees, to ensure compliance with the Real
13 Estate Laws and the Commissioner's Regulations in violation of Code Sections 10159.2,
14 10177(g), and 10177(h) and Regulation 2725.

15 9.

16 The conduct of Respondents described in Paragraph 8, above, violated the Code
17 and the Regulations as set forth below:

18 PARAGRAPH

PROVISIONS VIOLATED

19
20 8(a) Code Sections 10130 and 10137

21
22 8(b) Code Section 10145 and Regulation 2832

23
24 8(c) Code Section 10145 and Regulation 2831.1

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26 8(d) Code Section 10145 and Regulation 2831.2

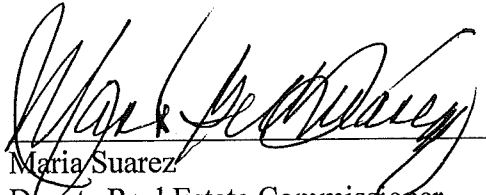
1	8(e)	Code Section 10145 and Regulation 2831
2		
3		
4	8(f)	Code Section 10145 and Regulation 2834
5		
6	8(g)	Code Sections 11018.1(a), 11234, and 11245
7		
8	8(h)	Code Section 11265
9		
10	8(i)	Code Section 10159.2, 10177(g), and 10177(h) and
11		Regulation 2725
12		
13		

14 Each of the foregoing violations constitute cause for the suspension or revocation
15 of the real estate license and license rights of Respondents under the provisions of Code Sections
16 10177(d), 10177(g), and/or 10177(h).

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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 the license and license rights of Respondents GLOBAL VACATIONS
4 MARKETING CORP doing business as Global Exchange Vacation Club, and RICHARD DALE
5 SARGENT, individually and as designated officer of Global Vacations Marketing Corp, under
6 the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) and for such
7 other and further relief as may be proper under other applicable provisions of law, including costs
8 of audit.

9 Dated at Los Angeles, California: 17 September 2013.

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14 Maria Suarez
15 Deputy Real Estate Commissioner
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24 cc: Global Vacations Marketing Corp
25 Richard Dale Sargent
26 Maria Suarez
27 Sacto
 Audits – Robert Leonard