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SEP - 5 2018
BUREAU OF REAL ESTATE

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BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)	DRE No. H-41066 LA
)	
DONALD JOHN SUTCLIFFE;)	
FATHOM REALTY GROUP, INC.;)	
<u>WILLIAM A. THOMAN</u> , individually and)	
as designated officer of TLQ Realty, Inc.; and)	
<u>TLQ REALTY, INC.</u> ,)	
)	
Respondents.)	

ORDER VACATING DECISION AND SETTING ASIDE DEFAULT

On July 26, 2018, a Default Order was filed herein. Thereafter, on August 7, 2018, a Default Decision was rendered herein revoking the real estate salesperson license of Respondents WILLIAM A. THOMAN and TLQ REALTY, INC. effective August 27, 2018.

On or about August 21, 2018, good cause was presented to set aside the Default Order of July 26, 2018, and to vacate the Decision of August 7, 2018, *nunc pro tunc*, and to have the matter remanded to the Office of Administrative Hearings as a contested matter.

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1 NOW, THEREFORE, IT IS ORDERED that the Default Order of July 26, 2018,
2 is set aside and the Default Decision of August 7, 2018, is vacated, and that the Matter of the
3 Accusation filed herein on June 4, 2018, be remanded to the Office of Administrative Hearings.

4 This Order is effective immediately.

5 DATED: August 29, 2018

6 DANIEL J. SANDRI
7 ACTING REAL ESTATE COMMISSIONER

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9 *Daniel J. Sandri*
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Sandri

FILED

AUG 24 2018

BUREAU OF REAL ESTATE

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BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)	DRE No. H-41066 LA
)	
DONALD JOHN SUTCLIFFE;)	
FATHOM REALTY GROUP, INC.;)	
<u>WILLIAM A. THOMAN</u> , individually and)	
as designated officer of TLQ Realty, Inc.; and)	
<u>TLO REALTY, INC.</u> ,)	
)	
Respondents.)	

ORDER STAYING EFFECTIVE DATE

On August 3, 2018, a Default Decision was rendered in the above-entitled matter to become effective at noon on August 27, 2018.

IT IS HEREBY ORDERED that the effective date of the Decision is stayed, and the Default Decision of August 3, 2018, shall become effective at 12 o'clock noon on September 6, 2018.

DATED: AUGUST 24, 2018

DANIEL J. SANDRI
ACTING REAL ESTATE COMMISSIONER

[Signature]

Sacto

FILED

AUG - 7 2018

BUREAU OF REAL ESTATE

By 

BEFORE THE DEPARTMENT¹ OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of:)	DRE No. H-41066 LA
)	
DONALD JOHN SUTCLIFFE;)	
FATHOM REALTY GROUP, INC.;)	
<u>WILLIAM A. THOMAN</u> , individually)	
and as designated officer of TLQ)	
Realty, Inc.; and <u>TLO REALTY, INC.</u> ,)	
)	
Respondent(s).)	

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on July 26, 2018, and the Findings of Fact set forth herein, which are based on one or more of the following: (1) The express admissions of Respondents, WILLIAM A. THOMAN ("THOMAN") and TLQ REALTY INC's ("TRI"); (2) affidavits; and (3) other evidence.

This Decision revokes one or more real estate license and/or license rights pursuant to the Real Estate Law, Part I of Division 4, of the Business and Professions Code ("the Code") Sections 10145, 10159.2, 10177(d), 10177(g), 10177(h), and Regulations 2725, 2831.2 and 2834.

Pursuant to Government Code section 11521, the California Department of Real Estate ("the Department") may order reconsideration of this Decision on petition of any party. The party seeking reconsideration shall set forth new facts, circumstances, and evidence, or errors in law or analysis, that show(s) grounds and good cause for the Commissioner to reconsider the Decision. If new evidence is presented, the party shall specifically identify the new evidence and explain why it was not previously presented. The Department's power to order reconsideration of this Decision shall expire 30 days after mailing of this Decision, or on the effective date of this Decision, whichever occurs first. The right to reinstatement of a

¹ Between July 1, 2013 and July 1, 2018, the Department of Real Estate operated as the Bureau of Real Estate under the Department of Consumer Affairs.

revoked real estate license, or to the reduction of a penalty, is controlled by Section 11522 of the Government Code. A copy of Sections 11521 and 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of respondent.

FINDINGS OF FACT

1.

On May 24, 2018, Maria Suarez made the Accusation in her official capacity as a Supervising Special Investigator of the Department. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, return receipt requested, to Respondents' last known mailing address on file with the Department on June 04, 2018.

2.

On July 26, 2018, no Notice of Defense having been received or filed herein within the time prescribed by Section 11506 of the Government Code, Respondents' default was entered herein.

3.

WILLIAM A. THOMAN: Respondent THOMAN is presently licensed and/or has license rights issued by the Bureau of Real Estate as a real estate broker (license no. 01299750). THOMAN was originally issued a real estate broker license on or about September 22, 2006. Previously, from on or about November 29, 2000 to September 21, 2006, THOMAN had a real estate salesperson license. THOMAN was and is TRI's designated officer at any and all times that TRI was licensed with the Bureau of Real Estate.

4.

TLQ REALTY, INC.: Respondent TRI is presently licensed and/or has license rights issued by the Bureau of Real Estate as a real estate corporate broker (license no. 01525599). TRI was and is licensed as a corporate real estate broker from on or about February 16, 2010 to February 15, 2014 and on or about May 2, 2014 through the present.

5.

To date, the Department of Real Estate has incurred costs totaling \$1,068.80.

6.

Attached as Exhibit "A" is a true and correct copy of the Accusation filed on June 04, 2018, which is incorporated herein as part of this Decision.

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DETERMINATION OF ISSUES

1.

Cause for disciplinary action against Respondents WILLIAM A. THOMAN, individually and as designated officer of TLQ Realty, Inc.; and TLQ REALTY, INC. exists pursuant to Business and Professions Code Sections 10177(d), 10177(g) and 10177(h) (THOMAN).

2.

The standard of proof applied was clear and convincing evidence to a reasonable certainty.

ORDER

All licenses and licensing rights of Respondents WILLIAM A. THOMAN, individually and as designated officer of TLQ Realty, Inc.; and TLQ REALTY, INC. under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on August 27, 2018.

DATED: August 3, 2018.

DANIEL J. SANDRI
ACTING REAL ESTATE COMMISSIONER



1 Department of Real Estate
2 320 West Fourth St, Ste 350
3 Los Angeles, CA, 90013

FILED
JUL 26 2018

DEPARTMENT OF REAL ESTATE

By R. P. [Signature]

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8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of:) DRE NO. *H-41066 LA*
12)
13 WILLIAM A THOMAN, individually and) DEFAULT ORDER
14 as designated officer of TLQ Realty, Inc.,)
15 Respondent.)

16 Respondent WILLIAM A THOMAN, individually and as designated officer
17 of TLQ Realty, Inc., having failed to file a Notice of Defense within the time required by
18 Section 11506 of the Government Code, is now in default. It is, therefore, ordered that a
19 default be entered on the record in this matter.

20 IT IS SO ORDERED JULY 26, 2018.

21 DANIEL SANDRI
22 ACTING REAL ESTATE COMMISSIONER

23 By: Joseph M. Carrillo
24 JOSEPH M. CARRILLO
25 Managing Deputy Commissioner IV
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1 Department of Real Estate
2 320 West Fourth St, Ste 350
3 Los Angeles, CA, 90013

FILED
JUL 26 2018

DEPARTMENT OF REAL ESTATE

By R. P. [Signature]

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8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of:) DRE NO. *H-41066 LA*
12 TLQ REALTY INC,) DEFAULT ORDER
13 Respondent.)

14 Respondent TLQ REALTY INC, having failed to file a Notice of Defense
15 within the time required by Section 11506 of the Government Code, is now in default. It is,
16 therefore, ordered that a default be entered on the record in this matter.

17 IT IS SO ORDERED JULY 26, 2018.

18 DANIEL SANDRI
19 ACTING REAL ESTATE COMMISSIONER

20
21 By: Joe M. Carrillo
22 JOSEPH M. CARRILLO
23 Managing Deputy Commissioner IV
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