Sarte Glas

FILED

JAN 25 2013

DEPARTMENT OF REAL ESTATE
BY: K Thederholt

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of DEVI JEAN HANSEN, aka Devi Jean Nelson Respondent.	)	No. H-3968 SD

ORDER GRANTING REINSTATEMENT OF LICENSE

On December 16, 2009, a Decision was rendered herein revoking the real estate salesperson license of Respondent, but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on January 21, 2010, and Respondent has operated as a restricted licensee since that time.

On or about March 1, 2012, Respondent petitioned for reinstatement of said real estate salesperson license. The Attorney General of the State of California has been given notice of the filing of Respondent's petition.

I have considered Respondent's petition and the evidence and arguments submitted in support thereof. Respondent has demonstrated to my satisfaction that Respondent meets the requirements of law for the issuance to Respondent of an unrestricted real estate

salesperson license and that it would not be against the public interest to issue said license to Respondent.

NOW, THEREFORE, IT IS ORDERED that Respondent's petition for reinstatement is granted and that a real estate salesperson license be issued to Respondent, if Respondent satisfies the following requirements:

1. Submits a completed application and pays the fee for a real estate salesperson license within the 12 month period following the date of this Order; and

2. Submits proof that Respondent has completed the continuing education requirements for renewal of the license sought. The continuing education courses must be completed either (i) within the 12 month period preceding the filing of the completed application, or (ii) within the 12 month period following the date of this Order.

This Order shall be effective immediately.

Dated: 12/7/2012.

Real Estate Commissioner

By WAYNE S. BELL
Chief Counsel

Department of Real Estate
P.O. Box 187007
Sacramento, CA 95818-7007

Telephone: (916) 227-0781

FILED

DEC 21 2009

DEPARTMENT OF REAL ESTATE

By

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of PEOPLES FIRST FINANCIAL INC., AMIR SANI, and DEVI JEAN NELSON, Respondents.	No. H-3968 SD STIPULATION AND AGREEMENT

It is hereby stipulated by and between DEVI JEAN NELSON, (hereinafter "Respondent"), and the Complainant, acting by and through Truly Sughrue, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing the Accusation filed on June 2, 2009 in this matter:

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

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

3. Respondent filed a Notice of Defense pursuant to Section 11505 of the Government Code for the purpose of requesting a hearing on the allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent acknowledge that she understands that by withdrawing said Notice of Defense she will thereby waive her rights to require the Commissioner to prove the allegations in the Accusation at a contested hearing held in accordance with the provisions of the APA, and that she will waive other rights afforded to her in connection with the hearing such as the right to present evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses.

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

5. This Stipulation and Respondent decision not to contest the Accusation are made for the purpose of reaching an agreed disposition of this proceeding and are expressly limited to this proceeding and any other proceeding or case in which the Department of Real Estate (herein "the Department"), the state or federal government, an agency of this state, or an agency of another state is involved.

6. It is understood by the parties that the Real Estate Commissioner may adopt the Stipulation and Agreement as his decision in this matter thereby imposing the penalty and sanctions on the real estate licenses and license rights of Respondent as set forth in the below "Order". In the event that the Commissioner in his discretion does not adopt the Stipulation and Agreement, it shall be void and of no effect, and Respondent shall retain the right to a hearing and proceeding on the Accusations under all the provisions of the APA and shall not be bound by any admission or waiver made herein.

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

* * *

DETERMINATION OF ISSUES

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

I

The acts and omissions of Respondent as described in the Accusation are grounds for the suspension or revocation of Respondent licenses and license rights under Sections 10130 and 10137 of the Code.

* * *

ORDER

I

All licenses and licensing rights of Respondent under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson license shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code if Respondent makes application therefore and pays to the Department of Real Estate the appropriate fee for the restricted license within 90 days from the effective date of this Decision. The restricted license issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the Business and Professions Code and to the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of that Code:

1. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner in the event of Respondent's conviction or plea of nolo contendere to a crime which is substantially related to Respondent's fitness or capacity as a real estate licensee.

2. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted license.

3. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor for removal of any of the conditions, limitations or restrictions of a restricted license until two (2) years have elapsed from the effective date of this Decision.

4. Respondent shall submit with any application for license under an employing broker, or any application for transfer to a new employing broker, a statement signed by the prospective employing real estate broker on a form approved by the Department of Real Estate which shall certify:

(a) That the employing broker has read the Decision of the Commissioner which granted the right to a restricted license; and

(b) That the employing broker will exercise close supervision over the performance by the restricted licensee relating to activities for which a real estate license is required.

5. Respondent shall, within nine (9) months from the effective date of this Order, present evidence satisfactory to the Real Estate Commissioner that Respondent has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this condition, the Commissioner may order the suspension of the restricted license until Respondent presents such evidence. The Commissioner shall afford Respondent the opportunity for hearing pursuant to the Administrative Procedure Act to present such evidence.

2-Nov-09
DATED

TRULY SUGHRUE
Counsel for Complainant

* * *

I have read the Stipulation and Agreement, 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.

11-2-09
DATED

Devi Jean Nelson
DEVI JEAN NELSON
Respondent

***

The foregoing Stipulation and Agreement is hereby adopted as my Decision and shall become effective at 12 o'clock noon on JAN 11 2010

IT IS SO ORDERED 12/16/09

JEFF DAVI
Real estate Commissioner

FILED

AUG 26 2009

DEPARTMENT OF REAL ESTATE

By K. Mat

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of PEOPLES FIRST FINANCIAL INC., AMIR SANI, and DEVI JEAN NELSON, Respondents.	No. H-3968 SD

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 August 10, 2009, and the findings of fact set forth herein, which are based on one or more of the following: (1) Respondents PEOPLES FIRST FINANCIAL INC. and AMIR SANI (hereinafter "Respondents") express admissions; (2) affidavits; and (3) other evidence.

FINDINGS OF FACT

1

On May 28, 2009, Joseph Aiu made the Accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified and regular mail, to Respondents last known mailing address on file with the Department on June 2, 2009.

On August 10, 2009, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondents' defaults were entered herein.

2

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

3

At all times mentioned, PEOPLES FIRST FINANCIAL INC., (hereinafter "PEOPLES") was and is licensed by the State of California Department of Real Estate (hereinafter "Department") as a real estate broker corporation. At no time after July 14, 2008 was PEOPLES associated with a designated officer-broker to qualify PEOPLES to act as a real estate broker.

4

At all times mentioned prior to July 14, 2008, Respondent AMIR SANI, (hereinafter "SANI") was and is licensed by the Department individually and as the designated broker-officer of PEOPLES. As said designated broker-officer, SANI was 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 PEOPLES for which a license is required.

5

At all times mentioned Devi Jean Nelson (hereinafter "Nelson") has been licensed by the Department as a real estate salesperson affiliated with Hansen Loan from August 9, 2007 through October 14, 2008, and Integrity Mortgage Group from October 15, 2008 to present. At no time has Nelson's real estate salesperson license been affiliated with PEOPLES.

6

Howard Hsu (hereinafter "Hsu"), Cesar Alvarado (hereinafter "Alvarado"), and Demetrious Sommers (hereinafter "Sommers"), were not licensed by the Department either as a real estate salesperson or as a real estate broker at any time mentioned.

7

At all times mentioned, Respondents 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 within the meaning of Section 10131(d) of the Code, including the operation and conduct of a mortgage loan brokerage and/or loan modification business with the public wherein each of them solicited lenders and borrowers for or negotiated loans or collected payments and/or performed services for borrowers or lenders or note owners in connection with loans secured directly or collaterally by liens on real property for or in expectation of compensation.

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8

At all times mentioned herein beginning on or about June 2008, PEOPLES employed and compensated Nelson, Hsu, Alvarado, Sommers, and/or other employees or agents of PEOPLES, to perform the acts and conduct the activities described in Paragraph 7, above, including but not limited to the activities described in Paragraphs 9, 10, 11, 12, and 13.

9

On or about July 2008, in the course of the activities and employment described in Paragraph 7, without first being licensed by the Department either as a real estate salesperson or as a real estate broker, Hsu, on behalf of PEOPLES, solicited and/or performed services for borrowers, in connection with loans secured directly or collaterally by liens on real property or on a business opportunity, for or in expectation of compensation, including but not limited to the borrower Sergio and Yolanda Sarmiento and the real property located at 45034 Camolin Avenue, Lancaster, California.

10

On or about August 2008, in the course of the activities and employment described in Paragraph 7, without first being licensed by the Department either as a real estate salesperson affiliated with PEOPLES, Nelson on behalf of PEOPLES, solicited and/or performed services for borrowers, in connection with loans secured directly or collaterally by liens on real property or on a business opportunity, for or in expectation of compensation, including but not limited to borrower Donald E. Klauminzer and the real property located at 16434 Manchester Street, Victorville, California.

11

On or about July 2008, in the course of the activities and employment described in Paragraph 7, without first being licensed by the Department either as a real estate salesperson or as a real estate broker, Sommers on behalf of PEOPLES, solicited and/or performed services for borrowers, in connection with loans secured directly or collaterally by liens on real property or on a business opportunity, for or in expectation of compensation, including but not limited to the borrower James K. Stritz and the real property located at 7180 Bartlett Springs Road, Lucerne, California.

12

On or about September 2008, in the course of the activities and employment described in Paragraph 7, employees and/or agents of PEOPLES whose identities are unknown at this time, on behalf of PEOPLES, solicited and/or performed services for borrowers, in connection with loans secured directly or collaterally by liens on real property or on a business opportunity, for or in expectation of compensation, including but not limited to borrower Carolyn Redmon and the real property located at 5732 Kenwood, Riverside, California.

13

On or about April 28, 2009, in the course of the activities and employment described in Paragraph 7, "Tom" an employee or agent acting on behalf of PEOPLES, solicited Jesse Hafen, an employee of the Department, to engage PEOPLES and its agents to represent Mr. Hafen in negotiating with his lender(s) modifications of one or more loans secured by real property.

14

In acting as described in Paragraphs 8 through 13, PEOPLES violated and/or willfully failed to comply with Sections 10130 and 10137 of the Code.

15

In connection with the operation and conduct of the real estate activities described in Paragraph 7, PEOPLES engaged in the business of claiming, demanding, charging, receiving, collecting or contracting for the collection of advance fees within the meaning of Sections 10026 and 10131.2 (hereinafter "advance fee") of the Code including but not limited to the following:

HOMEOWNER	DATE	AMOUNT
Sergio and Yolanda Sarmiento	8/18/08-9/22/08	$2995
Donald E. Klauminzer	8/15/08	$2495
James K. Stiritz	8/1/08	$2500
Javier Bautista Sr.	9/10/08	$3000
Carolyn Redmon	6/2/08	$3500

16

In connection with the collection and handling of said advance fees, PEOPLES:

(a) Failed to cause the advance fee contract and all materials used in obtaining the advance fee agreement to be submitted to the Department of Real Estate prior to use as required by Section 10085 of the Code and Section 2970 of Title 10 of the California Code of Regulations (hereinafter "the Regulations").

(b) Failed to immediately deliver said trust funds into a neutral escrow depository, or into a trust fund account in violation of Section 10146 of the Code.

(c) Failed to furnish the principal borrower the verified accounting required by Section 10146 of the Code and Section 2972 of the Regulations.

17

SANI failed to exercise reasonable supervision over the acts of PEOPLES in such a manner as to allow the acts and events, occurring prior to July 14, 2008, described above to occur.

18

The acts and/or omissions of SANI, described in Paragraph 17, constitute failure on the part of SANI, as designated broker-officer for PEOPLES, to exercise reasonable supervision and control over the licensed activities of PEOPLES required by Section 10159.2 of the Code.

19

On or about January 13, 2009, in Case No. H-3896 SD before the Department of Real Estate, the Real Estate Commissioner issued an Order to Desist and Refrain against PEOPLES FIRST FINANCIAL INC. doing business as PEOPLES FIRST FINANAICAL and PEOPLES FIRST FINANCIAL SERVICES for violation of Sections 10085 of the Code, and Sections 2970 and 2740 of the Regulations.

DETERMINATION OF ISSUES

1

Cause for disciplinary action against PEOPLES exists pursuant to Business and Professions Code Sections 10130 and 10137 of the Code in conjunction with Section 10177(d) of the Code.

2

Cause for disciplinary action against PEOPLES exists pursuant to Business and Professions Code Sections 10085 and 10146 of the Code in conjunction with Section 10177(d) of the Code, and Sections 2970 and 2972 of the Regulations in conjunction with Section 10177(d) of the Code.

3

Cause for disciplinary action against SANI exists pursuant to Business and Professions Code Sections 10177(h) and 10177(g) of the Code, and Section 10159.2 of the Code in conjunction with Section 10177(d) of the Code.

4

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

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ORDER

All licenses and licensing rights of Respondents PEOPLES FIRST FINANCIAL INC. and AMIR SANI 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 SEP 16 2009.

DATED: 8-19-09

JEFF DAVI
Real Estate Commissioner

FILED

AUG 10 2009

DEPARTMENT OF REAL ESTATE

By

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of PEOPLES FIRST FINANCIAL INC., AMIR SANI, and DAVI NELSON, Respondents.	No. H-3968 SD DEFAULT ORDER

Respondents, PEOPLES FIRST FINANCIAL INC. and AMIR SANI, having failed to file a Notice of Defense within the time required by Section 11506 of the Government Code, are now in default. It is, therefore, ordered that their default be entered on the record in this matter.

IT IS SO ORDERED August 4, 2009.

JEFF DAVI
Real Estate Commissioner

By: Dolores Weeks

DOLORES WEEKS
Regional Manager

TRULY SUGHRUE, Counsel
State Bar No. 223266
Department of Real Estate
P. O. Box 187007
Sacramento, CA 95818-7007

Telephone: (916) 227-0781

FILED

JUN - 2 2009

DEPARTMENT OF REAL ESTATE

By

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of PEOPLES FIRST FINANCIAL INC., AMIR SANI, and DEVI JEAN NELSON, Respondents.	No. H-3968 SD ACCUSATION

The Complainant, Joseph Aiu, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against PEOPLES FIRST FINANCIAL INC., AMIR SANI, and DEVI JEAN NELSON (hereinafter "Respondents"), is informed and alleges as follows:

PRELIMINARY ALLEGATIONS

1

The Complainant, Joseph Aiu, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in his official capacity.

2

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

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3

At all times mentioned, PEOPLES FIRST FINANCIAL INC. (hereinafter "PEOPLES") was and is licensed by the State of California Department of Real Estate (hereinafter "Department") as a real estate broker corporation. At no time after July 14, 2008, was PEOPLES associated with a designated officer-broker to qualify PEOPLES to act as a real estate broker.

4

At all times mentioned prior to July 14, 2008, Respondent AMIR SANI (hereinafter "SANI") was and is licensed by the Department individually and as the designated broker officer of PEOPLES. As said designated officer-broker, SANI was 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 PEOPLES for which a license is required.

5

At all times mentioned DEVI JEAN NELSON (hereinafter "NELSON") has been licensed by the Department as a real estate salesperson affiliated with Hansen Loan from August 9, 2007 through October 14, 2008, and Integrity Mortgage Group from October 15, 2008 to the present. At no time has NELSON's real estate salesperson license been affiliated with PEOPLES.

6

Howard Hsu (hereinafter "Hsu"), Cesar Alvarado (hereinafter "Alvarado"), and Demetrious Sommers (hereinafter "Sommers") were not licensed by the Department either as a real estate salesperson or as a real estate broker at any time mentioned.

7

At all times mentioned, Respondents 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 within the meaning of Section 10131(d) of the Code, including the operation and conduct of a mortgage loan brokerage and/or loan modification business with the public wherein each of them solicited

lenders and borrowers for or negotiated loans or collected payments and/or performed services for borrowers or lenders or note owners in connection with loans secured directly or collaterally by liens on real property for or in expectation of compensation.

FIRST CAUSE OF ACTION

8

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

9

At all times mentioned herein beginning on or about June, 2008, PEOPLES employed and compensated NELSON, Hsu, Alvarado, Sommers, and/or other employees or agents of PEOPLES, to perform the acts and conduct the activities described in Paragraph 7, above, including but not limited to the activities described in Paragraphs 10, 11, 12, 13, and 14.

10

On or about July, 2008, in course of the activities and employment described in Paragraph 7, without first being licensed by the Department either as a real estate salesperson or as a real estate broker, Hsu on behalf of PEOPLES, solicited and/or performed services for borrowers, in connection with loans secured directly or collaterally by liens on real property or on a business opportunity, for or in expectation of compensation, including but not limited to the borrower Sergio and Yolanda Sarmiento and the real property located at 45034 Camolin Avenue, Lancaster, California.

11

On or about August, 2008, in course of the activities and employment described in Paragraph 7, without first being licensed by the Department either as a real estate salesperson affiliated with PEOPLES, NELSON on behalf of PEOPLES, solicited and/or performed services for borrowers, in connection with loans secured directly or collaterally by liens on real property or on a business opportunity, for or in expectation of compensation, including but not limited to

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borrower Donald E. Klauminzer and the real property located at 16434 Manchester Street, Victorville, California.

12

On or about July, 2008, in course of the activities and employment described in Paragraph 7, without first being licensed by the Department either as a real estate salesperson or as a real estate broker, Sommers on behalf of PEOPLES, solicited and/or performed services for borrowers, in connection with loans secured directly or collaterally by liens on real property or on a business opportunity, for or in expectation of compensation, including but not limited to the borrower James K. Stritz and the real property located at 7180 Bartlett Springs Road, Lucerne, California.

13

On or about September, 2008, in course of the activities and employment described in Paragraph 7, employees and/or agents of PEOPLES whose identities are unknown at this time, on behalf of PEOPLES, solicited and/or performed services for borrowers, in connection with loans secured directly or collaterally by liens on real property or on a business opportunity, for or in expectation of compensation, including but not limited to borrower Carolyn Redmon and the real property located at 5732 Kenwood, Riverside, California.

14

On or about April 28, 2009, in course of the activities and employment described in Paragraph 7, "Tom" an employee or agent acting on behalf of PEOPLES, solicited Jesse Hafen, an employee of the Department, to engage PEOPLES and its agents to represent Mr. Hafen in negotiating with his lender(s) modifications of one or more loans secured by real property.

15

In acting as described above, PEOPLES and NELSON violated and/or willfully failed to comply with Sections 10130 and 10137 of the Code.

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16

The facts alleged in the First Cause of Action are grounds for the suspension or revocation of the licenses and license rights of PEOPLES and NELSON under Sections 10137 and 10130 of the Code in conjunction with Section 10177(d) of the Code.

SECOND CAUSE OF ACTION

17

Each and every allegation in Paragraphs 1 through 16, inclusive, above are incorporated by this reference as if fully set forth herein.

18

In connection with the operation and conduct of the real estate activities described in Paragraph 7, PEOPLES engaged in the business of claiming, demanding, charging, receiving, collecting or contracting for the collection of advance fees within the meaning of Sections 10026 and 10131.2 (hereinafter "advance fee") of the Code including but not limited to the following:

HOMEOWNER	DATE	AMOUNT
Sergio and Yolanda Sarmiento	8/18/08-9/22/08	$2,995
Donald E. Klauminzer	8/15/08	$2,495
James K. Stiritz	8/1/08	$2,500
Javier Bautista Sr.	9/10/08	$3,000
Carolyn Redmon	6/2/08	$3,500

19

In connection with the collection and handling of said advance fee, PEOPLES:

(a) Failed to cause the advance fee contract and all materials used in obtaining the advance fee agreement to be submitted to the Department of Real Estate prior to use as required by Section 10085 of the Code and Section 2970 of Title 10 of the California Code of Regulations (hereinafter "the Regulations");

(b) Failed to immediately deliver said trust funds into a neutral escrow depository, or into a trust fund account in violation of Section 10146 of the Code; and

(c) Failed to furnish the principal borrower the verified accounting required by Section 10146 of the Code and Section 2972 of the Regulations.

20

The acts and/or omissions of PEOPLES described in the Second Cause of Action, constitute violation of Section 10177(d) of the Code in conjunction with Sections 10085 and 10146 of the Code, and Sections 2970 and 2972 of the Regulations, and are cause for the suspension or revocation of PEOPLES' license and license rights.

THIRD CAUSE OF ACTION

21

Each and every allegation in Paragraphs 1 through 20, inclusive, above are incorporated by this reference as if fully set forth herein.

22

SANI failed to exercise reasonable supervision over the acts of PEOPLES in such a manner as to allow the acts and events, occurring prior to July 14, 2008, described above to occur.

23

The acts and/or omissions of SANI, described in Paragraph 22, constitute failure on the part of SANI, as designated broker-officer for PEOPLES, to exercise reasonable supervision and control over the licensed activities of SANI required by Section 10159.2 of the Code.

24

The facts alleged in Paragraphs 22 and 23, are grounds from the suspension or revocation of the licenses and license rights of Respondent SANI under Sections 10177(g) and/or 10177(h) of the Code, and Section 10177(d) of the Code in conjunction with Section 10159.2 of the Code.

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PRIOR PROCEEDINGS

25

On or about January 13, 2009, in Case No. H-3896 SAC, before the Department of Real Estate, the Real Estate Commissioner issued an Order to Desist and Refrain against PEOPLES FIRST FINANCIAL INC. doing business as PEOPLES FIRST FINANAICAL and PEOPLES FIRST FINANCIAL SERVICES for violation of Section 10085 of the Code, and Sections 2970 and 2740 of the Regulations.

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

JOSEPH AIU
Deputy Real Estate Commissioner

Dated at San Diego, California,
this 18 day of May, 2009.