DEPARTMENT OF REAL ESTATE
P. O. Box 187007
Sacramento, CA 95818-7007

Telephone: (916) 227-0789

FILED

JAN 10 2011

DEPARTMENT OF REAL ESTATE

By

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of LISA MARIE BINGHAM, NORMAN JOHANNES SCHRIEVER, Individually and Doing Business as, UNITY FINANCIAL SOLUTIONS, LLC and SACRAMENTO FORECLOSURE HELP.COM Respondents	DRE No. H-5267 SAC STIPULATION AND AGREEMENT IN SETTLEMENT AND ORDER

It is hereby stipulated by and between NORMAN JOHANNES SCHRIEVER, (Respondent) and his attorney, KRISTIN A. MARSHALL, and the Complainant, acting by and through KENNETH C. ESPELL, Counsel for the Department of Real Estate; as follows for the purpose of settling and disposing of the Amended Accusation filed on August 16, 2010, in this matter:[1]

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 ("APA"),

[1] On or about December 10, 2009, the Commissioner accepted Respondent LISA MARIE BINGHAM's surrender of her license.

shall instead and in place thereof be submitted solely on the basis of the provisions of this Stipulation and Agreement In Settlement and Order.

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

3. On August 19, 2010, Respondents 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 Amended Accusation. Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent acknowledges that he understands that by withdrawing said Notice of Defense he will thereby waive her right to require the Commissioner to prove the allegations in the Amended Accusation at a contested hearing held in accordance with the provisions of the APA and that he will waive other rights afforded to him 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. Respondent, pursuant to the limitations set forth below, hereby admits that the factual allegations or findings of fact as set forth in the Amended Accusation filed in this proceeding are true and correct and the Real Estate Commissioner shall not be required to provide further evidence of such allegations.

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

6. The Order or any subsequent Order of the Real Estate Commissioner made pursuant to this Stipulation and Agreement in Settlement and Order 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, admissions and waivers, and solely for the purpose of settlement of the pending Amended Accusation without a hearing, it is stipulated and agreed that the acts and/or omissions of Respondent NORMAN JOHANNES SCHRIEVER, as described in the Amended Accusation, constitute grounds for the suspension or revocation of the licenses and license rights of Respondent NORMAN JOHANNES SCHRIEVER under the provisions of Sections 10177(d) and (g) of the Business and Professions Code (the Code).

ORDER

A. All licenses and licensing rights of Respondent NORMAN JOHANNES SCHRIEVER 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 therefor 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 the removal of any of the conditions, limitations or restrictions of a restricted license until one year has 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 months from the effective date of this Decision, 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 the Respondent presents such evidence. The Commissioner shall afford Respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

B. Any restricted real estate license issued to Respondent pursuant to this Decision shall be suspended for ninety (90) days from the date of issuance of said restricted license.

C. Respondent shall, within six months from the effective date of this Decision, take and pass the Professional Responsibility Examination administered by the Department

I have reviewed this Stipulation and Agreement as to form and content and have advised my clients accordingly.

12-6-2010
DATED

KRISTIN A. MARSHALL
Attorney for Respondent

* * *

The foregoing Stipulation and Agreement is hereby adopted by the Real Estate Commissioner as his Decision and Order and shall become effective at 12 o'clock noon on JAN 31 2011.

IT IS SO ORDERED 1-7-11.

JEFF DAVI
Real Estate Commissioner

KENNETH C. ESPELL, Counsel (SBN 178757)
Department of Real Estate
P. O. Box 187007
Sacramento, CA 95818-7007

Telephone: (916) 227-0789
-or- (916) 227-0868 (Direct)

FILED
AUG 16 2010
DEPARTMENT OF REAL ESTATE
By R. Henry

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of LISA MARIE BINGHAM, NORMAN JOHANNES SCHRIEVER, Individually and Doing Business as, UNITY FINANCIAL SOLUTIONS, LLC and SACRAMENTO FORECLOSURE HELP.COM Respondents.	H-05267 SAC AMENDED ACCUSATION

The Complainant, TRICIA D. SOMMERS, in her official capacity as a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against Respondents LISA MARIE BINGHAM ("BINGHAM") and NORMAN JOHANNES SCHRIEVER ("SCHRIEVER"), is informed and alleges as follows:

FIRST CAUSE OF ACTION
Unlicensed Activities by Salespersons
Doing Business as Sacramento Lease Management

1

At all times herein mentioned, Respondent BINGHAM was and now is licensed by the State of California Department of Real Estate (herein "the Department") as a real estate salesperson and was at all time relevant herein doing business in the State of California under

the fictitious business name *Sacramento Lease Management* ("SAL"). At all times mentioned herein Respondent BINGHAM was not licensed by the Department as a real estate broker. In addition, at all times relevant herein and in connection with the transactions identified herein, Respondent BINGHAM was not acting with the approval and/or supervision of a real estate broker holding a license issued by the California Department of Real Estate.

2

At all times herein mentioned, Respondent SCHRIEVER was and now is licensed by the State of California Department of Real Estate as a real estate salesperson and was doing business in the State of California under the fictitious business name *Sacramento Lease Management*. At all times mentioned herein Respondent SCHRIEVER was not licensed by the Department as a real estate broker. In addition, at all times relevant herein and in connection with the transactions identified herein, Respondent SCHRIEVER was not acting with the approval and/or supervision of a real estate broker holding a license from the California Department of Real Estate.

3

At all times mentioned, Respondents BINGHAM and SCHRIEVER (collectively "RESPONDENTS") engaged in the business of, acted in the capacity of, advertised or assumed to act as real estate brokers in the State of California within the meaning of Sections 10131(a) and 10131(b) of the California Business and Professions Code (the "Code"), for compensation or the expectation of compensation and operated SAL, a property management company with the intent to locate prospective tenants and buyer of client owned properties and to utilize SAL's rent to own business plan ("rent to own program") to ultimately effectuate the sale of the client owned properties. In furtherance of this plan, Respondents, and each of them, entered into contracts with clients to advertise on behalf of clients for tenants to enroll in SAL's "rent to own" plan, collected fees and deposits (including advanced fees within the meaning of Sections 10026 and 10131.2 of the Code ("advance fees")) from clients and prospective tenants; and prepared rent to own and/or other real estate transaction related contracts for clients, in violation

of Sections 10130, 10131.2 and 10026 of the Code; violations which constitute cause for suspension or revocation of all licenses and license rights of Respondents BINGHAM and SCHRIEVER pursuant to Section 10177(d) of the Code.

SECOND CAUSE OF ACTION

The Herrera Transactions

4

Each and every allegation in Paragraphs 1 through 3, inclusive, above, is incorporated by this reference as if fully set forth herein.

5

In early 2007, Rachel Herrera ("Herrera") owned properties located at 4509 Ulysses Drive, Sacramento, California (the "Ulysses Property") and 5519 Vale Drive, Carmichael, California (the "Vale Drive Property").

6

In early 2007 Herrera met with Respondents BINGHAM and SCHRIEVER and entered into an agreement employing Respondents to locate, secure and enroll potential tenants in SAL's "rent to own" program.

7

On or about January 27, 2007, Respondents BINGHAM and SCHRIEVER received the sum of $4,000 from Herrera for the purpose of locating a tenant/participant in SAL's "rent to own" program for Herrera's Ulysses Property. The $4,000 was paid by Herrera prior to and in advance of Respondents BINGHAM and SCHRIEVER performing any services for the benefit of Herrera and therefore, was the collection of an advance fee within the meaning of Section 10026 of the Code; in violation of California Business and Professions Code Sections 10130 and 10085.5; violations which constitute cause for suspension or revocation of all licenses and license rights of Respondents BINGHAM and SCHRIEVER pursuant to Section 10177(d) of the Code.

///

8

On or before March 1, 2007, Respondents BINGHAM and SCHRIEVER received the sum of $8,000 from Herrera for the purpose of locating and/or securing a tenant/participant in SAL's "rent to own" program for Herrera's Vale Drive Property. The $8,000 was paid by Herrera to Respondents prior to and in advance of BINGHAM and SCHRIEVER performing any services for the benefit of Herrera and therefore, was the collection of an advance fee within the meaning of Section 10026 of the Code; in violation of California Business and Professions Code Sections 10130 and 10085.5; violations which constitute cause for suspension or revocation of all licenses and license rights of Respondents BINGHAM and SCHRIEVER pursuant to Section 10177(d) of the Code.

THIRD CAUSE OF ACTION
The Razak Transaction

9

Each and every allegation in Paragraphs 1 through 3, inclusive, above, is incorporated by this reference as if fully set forth herein.

10

On or about January 30, 2007, Respondent BINGHAM doing business as SAL, entered into a contract with Faiyaz Razak ("Razak") to act as "a finder agency; lease management company"(*sic*) to seek a tenant for Razak's 2281 Morgan Avenue, Sacramento, California (the "Morgan Avenue Property") property. In exchange for locating a tenant for the Morgan Avenue Property, Razak agreed to pay Respondent BINGHAM and SAL a sum equal to at least one month's rent.

11

On or about February 7, 2007, Respondent BINGHAM received the sum of $1,995.00 from Razak prior to and in advance of providing to Razak lease management services for Razak's Morgan Avenue Property and therefore, was the collection of an advance fee within the meaning of Section 10026 of the Code; in violation of Sections 10130 and 10085.5 of the

Code; violations which constitute cause for suspension or revocation of all licenses and license rights of Respondent BINGHAM pursuant to Section 10177(d) of the Code.

12

On or about May 16, 2007, Razak and Respondent BINGHAM entered into a Lease/Rental Agreement where in Razak agreed to pay the sum of $3,600.00 to employ Respondent BINGHAM as Razak's representative relating to the rental of the Morgan Avenue Property. On or about May 16, 2007 and April 5, 2007, Respondent BINGHAM executed the agreement purportedly on behalf of the real estate company, ReMax Gold.

13

At all times relevant herein Respondent BINGHAM knew that as she did not hold a valid California real estate broker license and was not acting as a real estate broker in connection with the Razak representation; nor had permission of ReMax Gold to execute documents accepting contracts and other real estate related documents on its behalf. Respondent BINGHAM further knew she was not acting as a salesperson within the course and scope of her employment with Department licensee ReMax Gold, ReMax Gold's designated broker and/or under any other broker licensee and/or corporate licensee. Despite lacking a real estate broker license and not working under the supervision of a supervising broker, Respondent BINGHAM misrepresented her license status and employment status to Razak in violation of Section 10177(d) of the Code; violations which constitute cause for suspension or revocation of all licenses and license rights of Respondents BINGHAM under Sections 10176 (a), 10176 (c), 10176 (i) and 10177(d) of the Code.

FOURTH CAUSE OF ACTION

Failure to Maintain Trust Funds in Trust Account

14

Each and every allegation in Paragraphs 1 through 12, inclusive, above, is incorporated by this reference as if fully set forth herein.

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15

Pursuant to Section 10146 of the Code all advanced fees received by a licensee of the Department must be deposited into a client trust account. In connection with the transactions described herein Respondents BINGHAM and SCHRIEVER collected advance fees and deposits which, pursuant to Section 10146 of the Code, were required to be deposited into a client trust fund account. RESPONDENTS, and each of them, failed to deposit such advance fees and deposits upon collection into a trust account in violation of Section 10145 and 10146 of the Code; violations which constitute cause for suspension or revocation of all licenses and license rights of Respondents BINGHAM and SCHRIEVER pursuant to Section 10177(d) of the Code.

FIFTH CAUSE OF ACTION
Illegal Use of Fictitious Business Name

16

Each and every allegation in Paragraphs 1 through 12, inclusive, above, is incorporated by this reference as if fully set forth herein.

17

Pursuant to Section 10159.5 of the Code and Section 2731, Title 10, California Code of Regulations ("Commissioner's Regulations"), the Department regulates the use of fictitious business names under which real estate related activities are to be transacted, including, but not limited to: permitting real estate brokers only to hold fictitious business names; that fictitious business names be approved by the Department prior to its usage; and, requiring that such fictitious business names be registered with the Department as the brokers' d.b.a. At all times relevant herein and pursuant to Section 2731 of the Commissioner's Regulations, Respondents BINGHAM and SCHRIEVER as real estate salespersons were not eligible to use and failed to obtain registration with the Department of the fictitious business name *Sacramento Lease Management* in violation of Section 10159.5 of the Code and Section 2731of the Commissioner's Regulations; violations which constitute cause for suspension or revocation of all licenses and license rights of Respondents BINGHAM and SCHRIEVER pursuant to Section 10177(d) of the Code.

SIXTH CAUSE OF ACTION
Unlicensed Activity
as to SCHRIEVER Only

18

Each and every allegation in Paragraphs 1 through 12, inclusive, above, is incorporated by this reference as if fully set forth herein.

19

Unity Financial Services, LLC ("UNITY") is a limited liability company licensed with the Secretary of State but not licensed by the Department of Real Estate in any capacity. Respondent Schriever, without the benefit of a broker supervisor, is Manager and President and Chief Financial Officer of UNITY. UNITY is engaged in the business of, acted in the capacity of, advertised, or assumed to act as real estate broker within the State of California within the meaning of Sections 10131(d) and 10131(e) of the Code, including soliciting borrowers to do one or more of the following acts for another or others, for or in expectation of compensation: negotiate loans for, or perform services for, borrowers and/or lenders in connection with loans secured directly or collaterally by one or more liens on real property.

20

Sacramento foreclosurehelp.com (SFH") is a company of unknown organization; not registered with the Secretary of State; and is not licensed by the Department of Real Estate in any capacity. The SFH website, which is no longer active, listed Respondent SCHRIEVER, without the benefit of a broker supervisor, as the President and Chief Financial Officer of SFH. SFH is engaged in the business of, acted in the capacity of, advertised, or assumed to act as real estate broker within the State of California within the meaning of Sections 10131(d) and 10131(e) of the Code, including soliciting borrowers to do one or more of the following acts for another or others, for or in expectation of compensation: negotiate loans for, or perform services for, borrowers and/or lenders in connection with loans secured directly or collaterally by one or more liens on real property.

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21

The aforementioned unlicensed activities of Respondent SCHRIEVER, a real estate salesperson licensee and not a licensed real estate broker, constitute cause for suspension or revocation of all licenses and license rights of Respondent SCHRIEVER pursuant to Section 10177(d) of the Code.

SEVENTH CAUSE OF ACTION
Illegal Use of Fictitious Business Name

22

Each and every allegation in Paragraphs 1 through 21, inclusive, above, is incorporated by this reference as if fully set forth herein.

23

Pursuant to Section 10159.5 of the Code and Section 2731 of the Commissioner's Regulations, the Department regulates the use of fictitious business names under which real estate related activities may be transacted, including, but not limited to: permitting only real estate brokers to hold fictitious business names under which real estate license related activities may be conducted; that fictitious business names be approved by the Department prior to its usage; and, that such fictitious business names be registered with the Department as the brokers' fictitious business names.

24

At all times relevant herein and pursuant to Section 2731 of the Commissioner's Regulations, Respondent SCHRIEVER as a real estate salesperson was not eligible to use and/or obtain registration with the Department, the fictitious business names *Sacramento foreclosurehelp.com* and *Unity Financial Services, LLC.* Respondent SCHRIEVER's use of the fictitious business names violates Section 10159.5 of the Code and Section 2731of the Commissioner's Regulations and constitutes cause for suspension or revocation of all licenses and license rights of Respondent SCHRIEVER pursuant to Section 10177(d) of the Code.

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EIGHTH CAUSE OF ACTION
Negligence and/or Incompetence
as to SCHRIEVER Only

25

Each and every allegation in Paragraphs 1 through 24, inclusive, above are incorporated by this reference as if fully set forth herein.

26

The acts and omissions of Respondent SCHRIEVER described herein constitute negligence or incompetence in performing acts requiring a real estate license, and are cause under Section 10177(g) of the Code for suspension or revocation of all licenses and license rights of Respondent SCHRIEVER.

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 Respondent BINGHAM and Respondent SCHRIEVER 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 the provisions of law.

TRICIA D. SOMMERS
Deputy Real Estate Commissioner

Dated at Sacramento California,
this 10th day of August, 2010.

FILED

DEC 10 2009

DEPARTMENT OF REAL ESTATE

By K. Mar

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of LISA MARIA BINGHAM and, NORMAN JOHANNES SCHRIEVER, Respondents.	H-5267 SAC

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On September 3, 2009, an Accusation was filed in this matter against Respondent LISA MARIA BINGHAM.

On October 21, 2009, Respondent LISA MARIA BINGHAM petitioned the Commissioner to voluntarily surrender her real estate salesperson license pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent LISA MARIA BINGHAM's petition for voluntary surrender of her real estate salesperson license is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in Respondent's Declaration dated November 1, 2009 (attached as Exhibit "A" hereto).

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Respondent's license certificate and pocket card shall be sent to the below listed address so that they reach the Department on or before the effective date of this Order:

DEPARTMENT OF REAL ESTATE
Attn: Licensing Flag Section
P. O. Box 187000
Sacramento, CA 95818-7000

This Order shall become effective at 12 o'clock noon on DEC 3 1 2009.

DATED: 11-24-09

JEFF DAVI
Real Estate Commissioner

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of LISA MARIA BINGHAM and, NORMAN JOHANNES SCHRIEVER, Respondents,	)	No. H-5267 SAC

DECLARATION

My name is LISA MARIA BINGHAM, and I am currently licensed as a real estate salesperson and/or have license rights with respect to said license. I am not represented by counsel.

In lieu of proceeding in this matter in accordance with the provisions of the Administrative Procedure Act (Sections 11400 et seq., of the Government Code), I wish to voluntarily surrender my real estate license issued by the Department of Real Estate ("Department"), pursuant to Business and Professions Code Section 10100.2.

I understand that by so voluntarily surrendering my license(s), I may be relicensed as a broker or as a salesperson only by petitioning for reinstatement pursuant to Section 11522 of the Government Code. I also understand that by so voluntarily surrendering my license, I agree to the following:

EXHIBIT A

1. The filing of this Declaration shall be deemed as my petition for voluntary surrender.

2. It shall also be deemed to be an understanding and agreement by me that I waive all rights I have to require the Commissioner to prove the allegations contained in the Accusation filed in this matter at a hearing held in accordance with the provisions of the Administrative Procedure Act (Government Code Sections 11400 et seq.), and that I also waive other rights afforded to me in connection with the hearing such as the right to discovery, the right to present evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses.

3. I further agree that upon acceptance by the Commissioner, as evidenced by an appropriate order, all affidavits and all relevant evidence obtained by the Department in this matter prior to the Commissioner's acceptance, and all allegations contained in the Accusation filed in the Department Case No. H-5267 SAC, may be considered by the Department to be true and correct for the purpose of deciding whether to grant relicensure or reinstatement pursuant to Government Code Section 11522.

4. I freely and voluntarily surrender all my licenses and license rights under the Real Estate Law.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that this declaration was executed November, 2009, at Seattle, Washington.

Lisa Maria Bingham

LISA MARIA BINGHAM

KENNETH C. ESPELL, Counsel (SBN 178757)
Department of Real Estate
P. O. Box 187007
Sacramento, CA 95818-7007

Telephone: (916) 227-0789
-or- (916) 227-0868 (Direct)

FILED
SEP - 3 2009
DEPARTMENT OF REAL ESTATE
By R. Henry

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of LISA MARIE BINGHAM and, NORMAN JOHANNES SCHRIEVER, Respondents.	H- 5267 SAC ACCUSATION

The Complainant, JOE M. CARRILLO, in his official capacity as a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against Respondents LISA MARIE BINGHAM ("BINGHAM") and NORMAN JOHANNES SCHRIEVER ("SCHRIEVER"), is informed and alleges as follows:

FIRST CAUSE OF ACTION

Unlicensed Activities by Salespersons

1

At all times herein mentioned, Respondent BINGHAM was and now is licensed by the State of California Department of Real Estate (herein "the Department") as a real estate salesperson and was at all times relevant herein doing business in the State of California under the fictitious business name *Sacramento Lease Management* ("SAL"). At all times mentioned herein Respondent BINGHAM was not licensed by the Department as a real estate broker.

///

In addition, at all times relevant herein and in connection with the transactions identified herein, Respondent BINGHAM was not acting with the approval and/or supervision of a real estate broker holding a license issued by the California Department of Real Estate.

2

At all times herein mentioned, Respondent SCHRIEVER was and now is licensed by the State of California Department of Real Estate as a real estate salesperson and was doing business in the State of California under the fictitious business name *Sacramento Lease Management*. At all times mentioned herein, Respondent SCHRIEVER was not licensed by the Department as a real estate broker. In addition, at all times relevant herein and in connection with the transactions identified herein, Respondent SCHRIEVER was not acting with the approval and/or supervision of a real estate broker holding a license from the California Department of Real Estate.

3

At all times mentioned, Respondents BINGHAM and SCHRIEVER (collectively "RESPONDENTS") engaged in the business of, acted in the capacity of, advertised or assumed to act as real estate brokers in the State of California within the meaning of Sections 10131(a) and 10131(b) of the California Business and Professions Code (the "Code"), for compensation or the expectation of compensation and operated SAL, a property management company with the intent to locate prospective tenants and buyers of client owned properties and to utilize SAL's rent to own business plan ("rent to own program") to ultimately effectuate the sale of the client owned properties. In furtherance of this plan, Respondents, and each of them, entered into contracts with clients to advertise on behalf of clients for tenants to enroll in SAL's "rent to own" plan, collected fees and deposits (including advanced fees within the meaning of Sections 10026 and 10131.2 of the Code ("advance fees")) from clients and prospective tenants; and prepared rent to own and/or other real estate transaction related contracts for clients; in violation of Sections 10130, 10131.2 and 10026 of the Code; violations which constitute cause for suspension or revocation of all licenses and license rights of Respondents BINGHAM and SCHRIEVER pursuant to Section 10177(d) of the Code.

SECOND CAUSE OF ACTION

The Herrera Transactions

4

Each and every allegation in Paragraphs 1 through 3, inclusive, above, is incorporated by this reference as if fully set forth herein.

5

In early 2007, Rachel Herrera ("Herrera") owned properties located at 4509 Ulysses Drive, Sacramento, California (the "Ulysses Property") and 5519 Vale Drive, Carmichael, California (the "Vale Drive Property").

6

In early 2007, Herrera met with Respondents BINGHAM and SCHRIEVER and entered into an agreement employing Respondents to locate, secure and enroll potential tenants in SAL's "rent to own" program.

7

On or about January 27, 2007, Respondents BINGHAM and SCHRIEVER received the sum of $4,000 from Herrera for the purpose of locating a tenant/participant in SAL's "rent to own" program for Herrera's Ulysses Property. The $4,000 was paid by Herrera prior to and in advance of Respondents BINGHAM and SCHRIEVER performing any services for the benefit of Herrera and therefore, was the collection of an advance fee within the meaning of Section 10026 of the Code; in violation of California Business and Professions Code Sections 10130 and 10085.5; violations which constitute cause for suspension or revocation of all licenses and license rights of Respondents BINGHAM and SCHRIEVER pursuant to Section 10177(d) of the Code.

8

On or before March 1, 2007, Respondents BINGHAM and SCHRIEVER received the sum of $8,000 from Herrera for the purpose of locating and/or securing a tenant/participant in SAL's "rent to own" program for Herrera's Vale Drive Property. The $8,000 was paid by

Herrera to Respondents prior to and in advance of BINGHAM and SCHRIEVER performing any services for the benefit of Herrera and therefore, was the collection of an advance fee within the meaning of Section 10026 of the Code; in violation of California Business and Professions Code Sections 10130 and 10085.5; violations which constitute cause for suspension or revocation of all licenses and license rights of Respondents BINGHAM and SCHRIEVER pursuant to Section 10177(d) of the Code.

THIRD CAUSE OF ACTION

The Razak Transaction

9

Each and every allegation in Paragraphs 1 through 3, inclusive, above, is incorporated by this reference as if fully set forth herein.

10

On or about January 30, 2007, Respondent BINGHAM, doing business as SAL, entered into a contract with Faiyaz Razak ("Razak") to act as "a finder agency; lease management company"(*sic*) to seek a tenant for Razak's 2281 Morgan Avenue, Sacramento, California (the "Morgan Avenue Property") property. In exchange for locating a tenant for the Morgan Avenue Property, Razak agreed to pay Respondent BINGHAM and SAL a sum equal to at least one month's rent.

11

On or about February 7, 2007, Respondent BINGHAM received the sum of $1,995.00 from Razak prior to and in advance of providing to Razak lease management services for Razak's Morgan Avenue Property and therefore, was the collection of an advance fee within the meaning of Section 10026 of the Code; in violation of Sections 10130 and 10085.5 of the Code; violations which constitute cause for suspension or revocation of all licenses and license rights of Respondent BINGHAM pursuant to Section 10177(d) of the Code.

///

///

12

On or about May 16, 2007 Razak and Respondent BINGHAM entered into a Lease/Rental Agreement where in Razak agreed to pay the sum of $3,600 to employ Respondent BINGHAM as Razak's representative relating to the rental of the Morgan Avenue Property. On or about May 16, 2007 and April 5, 2007, Respondent BINGHAM executed the agreement purportedly on behalf of the real estate company, ReMax Gold.

13

At all times relevant herein Respondent BINGHAM knew that as she did not hold a valid California real estate broker license and was not acting as a real estate broker in connection with the Razak representation; nor had permission of ReMax Gold to execute documents accepting contracts and other real estate related documents on its behalf. Respondent BINGHAM further knew she was not acting as salesperson within the course and scope of her employment with Department Licensee ReMax Gold, ReMax Gold's designated broker and/or under any other broker licensee and/or corporate licensee. Despite lacking real estate brokers license and not working under the supervision of a supervising broker, Respondent BINGHAM misrepresented her license status and employment status to Razak in violation of Section 10177(d) of the Code; violations which constitute cause for suspension or revocation of all licenses and license rights of Respondents BINGHAM UNDER Sections 10176 (a), 10176 (c), 10176 (i) and 10177(d) of the Code.

FOURTH CAUSE OF ACTION

Failure to Maintain Trust Funds in Trust Account

14

Each and every allegation in Paragraphs 1 through 12, inclusive, above, is incorporated by this reference as if fully set forth herein.

15

Pursuant to Section 10146 of the Code all advanced fees received by a licensee of the Department must be deposited into a client trust account. In connection with the transactions

described herein Respondents BINGHAM and SCHRIEVER collected advance fees and deposits which, pursuant to Section 10146 of the Code, were required to be deposited into a client trust fund account. RESPONDENTS, and each of them, failed to deposit such advance fees and deposits upon collection into a trust account in violation of Section 10145 and 10146 of the Code; violations which constitute cause for suspension or revocation of all licenses and license rights of Respondents BINGHAM and SCHRIEVER pursuant to Section 10177(d) of the Code.

FIFTH CAUSE OF ACTION

Illegal Use of Fictitious Business Name

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Each and every allegation in Paragraphs 1 through 12, inclusive, above, is incorporated by this reference as if fully set forth herein.

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Pursuant to Section 10159.5 of the Code and Section 2731, Title 10, California Code of Regulations ("Commissioner's Regulations"), the Department regulates the use of fictitious business names under which real estate related activities are to be transacted, including, but not limited to: permitting real estate brokers only to hold fictitious business names; that fictitious business names be approved by the Department prior to its usage; and, requiring that such fictitious business names be registered with the Department as the brokers' d.b.a. At all times relevant herein and pursuant to Section 2731 of the Commissioner's Regulations, Respondents BINGHAM and SCHRIEVER as real estate salespersons were not eligible to use and failed to obtain registration with the Department of the fictitious business name *Sacramento Lease Management* in violation of Section 10159.5 of the Code and Section 2731of the Commissioner's Regulations; violations which constitute cause for suspension or revocation of all licenses and license rights of Respondents BINGHAM and SCHRIEVER pursuant to Section 10177(d) of the Code.

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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 Respondent BINGHAM and Respondent SCHRIEVER 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 the provisions of law.

JOE M. CARRILLO
Deputy Real Estate Commissioner

Dated at Sacramento California,
this 31 day of August, 2009.