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

Telephone: (916) 227-0789

FILED
NOV 02 2011
DEPARTMENT OF REAL ESTATE
By

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of JOHN ALVIN BOHL, III, JASON KAHN MOULTON, CAESAR GUZMAN, BRETT CLARK, SCOTT CHRISTOPHER CHELINI, GARY D. CANTRELL, and SCOTT ANDREW GENIELLA, Respondents.	NO. H-5423 SAC STIPULATION AND AGREEMENT

It is hereby stipulated by and between Respondent JASON KAHN MOULTON (hereinafter "Respondent" or "Respondent MOULTON"), acting in pro per, and the Complainant, acting by and through Michael B. Rich, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on July 13, 2010, in this matter ("the Accusation"):

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), shall instead and in place thereof be submitted solely on the basis of the provisions of this Stipulation and Agreement.

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2. Respondent has 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 July 15, 2010, Respondent MOULTON 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 acknowledges that Respondent understands that by withdrawing said Notice of Defense Respondent will thereby waive Respondent's right 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 Respondent will waive other rights afforded to Respondent 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 in the Accusation pertaining to Respondent are true and correct and stipulates and agrees that 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 as his decision in this matter, thereby imposing the penalty and sanctions on Respondent's real estate license and license rights as set forth in the "Order" below. 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 Accusation under all the provisions of the APA and shall not be bound by any admission or waiver made herein.

6. 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, admissions and waivers and solely for the purpose of settlement of the pending Accusation without hearing, it is stipulated and agreed that the following Determination of Issues shall be made:

I

The acts and omissions of Respondent JASON KAHN MOULTON described in the Accusation are grounds for the suspension or revocation of the licenses and license rights of Respondent under the provisions of Sections 10085, and 10085.5 of the Code, and Section 2970 Chapter 6, Title 10, California Code of Regulations, (hereinafter "Regulations of the Commissioner"), all in conjunction with Section 10177(d) of the Code, and Sections 10176(a), 10176(b), 10176(g), 10176(i), 10177(g) of the Code

ORDER

I

All licenses and licensing rights of Respondent JASON KAHN MOULTON under the Real Estate Law are revoked; provided, however, a restricted real estate broker license shall be issued to said Respondent pursuant to Section 10156.5 of the Business and Professions Code if, within 90 days from the effective date of the Decision entered pursuant to this Order, Respondent makes application for the restricted license and pays to the Department of Real Estate the appropriate fee therefor.

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 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.

2. 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.

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 three (3) years have elapsed from the effective date of this Decision subject to the provisions of Paragraph 7, below.

4. Respondent shall, prior to and as a condition of the issuance of the restricted license, submit proof satisfactory to the Commissioner of having taken and successfully completed the continuing education course on trust fund accounting and handling specified in subdivision (a) of Section 10170.5 of the Business and Professions Code. Proof of satisfaction of this requirement includes evidence that Respondent has successfully completed the trust fund account and handling continuing education course within 120 days prior to the effective date of the Decision in this matter.

5. Respondent shall, within nine (9) months from the effective date of the 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.

6. Respondent shall, within six (6) months from the effective date of this Decision, take and pass the Professional Responsibility Examination administered by the Department including the payment of the appropriate examination fee. If Respondent fails to satisfy this condition, the Commissioner may order suspension of Respondent's license until Respondent passes the examination.

7. In addition to the three (3) year period set forth in Paragraph 3, above, Respondent shall, as a condition precedent to petitioning or applying for the issuance of an unrestricted real estate license or for the removal of any of the conditions, limitations or restrictions of a restricted license, provide proof satisfactory to the Commissioner that Respondent has paid in full all of the claimants listed in Exhibit A, which is attached hereto and incorporated herein by reference, the amount of the advance fees set forth in said exhibit that each listed claimant paid to Loan Review, Inc.

10/3/11
DATED

MICHAEL B. RICH, Counsel
Department of Real Estate

* * *

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 (including but not limited to Sections 11506, 11508, 11509, and 11513 of the Government Code), 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.

9/21/2011
DATED

JASON KAHN MOULTON
Respondent

* * *

The foregoing Stipulation and Agreement is hereby adopted as my Decision in this matter as to Respondent JASON KAHN MOULTON and shall become effective at 12 o'clock noon on NOV 21 2011.

IT IS SO ORDERED 11-1-11.

BARBARA J. BIGBY
Acting Real Estate Commissioner

Exhibit A, next page.

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EXHIBIT A

1. BRAD D. GIBSON - $1,500.00
   JUNE GIBSON
   488 Bevanda Court
   Oakdale, CA 95350
   (209)-845-9932

2. BRIAN GLASGOW - $2,000.00
   8248 Auberry Drive
   Sacramento, CA 95828
   (916)-524-2557

3. JAY DYER - $1,500.00
   SUE DYER
   4800 Auburn Folsom Road, #80
   (916)-496-7800
   (916)-832-5224

4. VICTOR SPRADLEY - $6,000.00
   P. O. Box 81
   Orangevale, CA 96662-0001
   (916)-201-0239

5. JEFFREY LEONETTI - $2,500.00
   JUDY LEONETTI
   8441 Menke Way
   Citrus Heights, CA 95610
   (916)-728-1688

6. ABEL PEREZ - $1,500.00
   4186 N. Katy Avenue
   Fresno, CA 93722
   (559)-360-5681

7. GWEN VALERIE KHOURY - $1,750.00
   4534 Shenandoah Road
   Rocklin, CA 95765
   (916)-259-1522

Continued, next page.

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8.	JOHN DAVID BALLEW GLORIA M. BALLEW 24792 Enchanted Way Moreno Valley, CA 92557 (951)-208-1072	-	$2,000.00
9.	SANDRA MICHELLE GORDON 3364 Lewis Avenue Signal Hill, CA 90755 (562)-595-7820 (562)-400-2080		$1,000.00
10.	MARCUS CHEEKS 609 Drew Street San Lorenzo, CA 94580 (510)-507-2176	-	$1,250.00
11.	PAUL POINDEXTER LORI POINDEXTER 42124 Tropez Drive Lancaster, CA 93536	-	$2,000.00
12.	BILL DANCES 7504 El Centro Way Buena Park, CA 90620 (714)-315-7911	-	$3,000.00
		Total	**$26,000.00**

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Sacramento, CA 95818-7007

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FILED
OCT 12 2011
DEPARTMENT OF REAL ESTATE
By

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of JOHN ALVIN BOHL, III, JASON KAHN MOULTON, CAESAR GUZMAN, BRETT CLARK, SCOTT CHRISTOPHER CHELINI, GARY D. CANTRELL, and SCOTT ANDREW GENIELLA, Respondents.	NO. H-5423 SAC STIPULATION AND AGREEMENT

It is hereby stipulated by and between Respondent GARY D. CANTRELL (hereinafter "Respondent" or "Respondent CANTRELL"), acting in pro per, and the Complainant, acting by and through Michael B. Rich, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on July 13, 2010, in this matter ("the Accusation"):

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), shall instead and in place thereof be submitted solely on the basis of the provisions of this Stipulation and Agreement.

2. Respondent has 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 5, 2010, Respondent CANTRELL 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 acknowledges that Respondent understands that by withdrawing said Notice of Defense Respondent will thereby waive Respondent's right 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 Respondent will waive other rights afforded to Respondent 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 in the Accusation pertaining to Respondent are true and correct and stipulates and agrees that 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 as his decision in this matter, thereby imposing the penalty and sanctions on Respondent's real estate license and license rights as set forth in the "Order" below. 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 Accusation under all the provisions of the APA and shall not be bound by any admission or waiver made herein.

6. 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.

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DETERMINATION OF ISSUES

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

I

The acts and omissions of Respondent GARY D. CANTRELL described in the Accusation are grounds for the suspension or revocation of the licenses and license rights of Respondent under the provisions of Sections 10085, 10085.5 and 10137 of the Code, and Section 2970 Chapter 6, Title 10, California Code of Regulations, (hereinafter "Regulations of the Commissioner"), all in conjunction with Section 10177(d) of the Code, and Sections 10176(a), 10176(b), 10176(g), 10176(i), 10177(g) of the Code

ORDER

I

All licenses and licensing rights of Respondent GARY D. CANTRELL under the Real Estate Law are suspended for a period of ninety (90) days from the effective date of this Decision; provided, however, that ninety (90) days of said suspension shall be stayed for two (2) years upon the following terms and conditions:

1. Respondent shall obey all laws, rules and regulations governing the rights, duties and responsibilities of a real estate licensee in the State of California; and

2. That no final subsequent determination be made, after hearing or upon stipulation, that cause for disciplinary action occurred within two (2) years of the effective date of this Decision. Should such a determination be made, the Commissioner may, in his discretion, vacate and set aside the stay order and re-impose all or a portion of the stayed suspension. Should no such determination be made, the stay imposed herein shall become permanent.

9/7/11
DATED

MICHAEL B. RICH, Counsel
Department of Real Estate

* * *

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 (including but not limited to Sections 11506, 11508, 11509, and 11513 of the Government Code), 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.

9/30/11
DATED

GARY D. CANTRELL
Respondent

* * *

The foregoing Stipulation and Agreement is hereby adopted by as my Decision in this matter as to Respondent GARY D. CANTRELL and shall become effective at 12 o'clock noon on 11/02/2011,

IT IS SO ORDERED 9/26, 2011.

BARBARA BIGBY
Acting Real Estate Commissioner

FILED

August 25, 2011

DEPARTMENT OF REAL ESTATE

By

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of JOHN ALVIN BOHL, III, JASON KAHN MOULTON, CAESAR L. GUZMAN, BRETT CLARK, SCOTT CHRISTOPHER CHELINI, GARY D. CANTRELL, and SCOTT ANDREW GENIELLA, Respondents.	)	NO. H-5423 SAC

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 22, 2010, and the findings of fact set forth herein, which are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and (3) other evidence.

FINDINGS OF FACT

A.

On July 21, 2011, no Notice of Defense having been filed herein by or on behalf of Respondent JOHN ALVIN BOHL, III, and Respondent CAESAR L. GUZMAN within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

1

On July 13, 2010, Tricia D. Sommers made the Accusation in her 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 regular and certified mail, to Respondent's last known mailing addresses on file with the Department of Real Estate (hereinafter "Department") on July 13, 2010.

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2

Respondents JOHN ALVIN BOHL, III, (hereinafter "Respondent BOHL") and CAESAR L. GUZMAN (hereinafter "Respondent GUZMAN") , is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code (hereafter "the Code").

3

At all times herein mentioned, Respondent BOHL was licensed by the Department of Real Estate (hereafter "the Department") as a real estate broker.

4

At all times herein mentioned LOAN REVIEW, INC., (hereinafter "LRI") was licensed by the Department of Real Estate (hereinafter "the Department") as a corporate real estate broker from September 19, 2006 through and until December 9, 2009. The corporate real estate broker license of LRI was voluntarily surrendered, effective December 10, 2009, in response to a Desist and Refrain Order issued and served by the Department upon LRI in Department Case No. H-5254 SAC.

5

At all times herein mentioned, from August 19, 2005, through and until November 8, 2009, Respondent JASON KAHN MOULTON (hereinafter "Respondent MOULTON") was licensed by the Department as a real estate salesperson and, beginning November 9, 2009, was and is licensed by the Department as an individual real estate broker. At all times herein mentioned Respondent MOULTON, while licensed as a real estate salesperson, was so licensed in the employ of LRI from November 7, 2006, though and until March 15, 2009, and again from June 19, 2009, through and until August 5, 2009.

6

At all times herein mentioned, Respondent CAESAR GUZMAN (hereinafter "Respondent GUZMAN") was and is licensed by the Department as a real estate salesperson. At all times herein mentioned, from May 11, 2000, though and until January 12, 2010, Respondent GUZMAN was licensed as a real estate salesperson in the employ of Davis & Davis Associates Ltd., an entity licensed by the Department as a corporate real estate broker. At no time herein mentioned was Respondent GUZMAN licensed in the employ of LRI or Respondent BOHL.

7

At all times herein mentioned, Respondent BRETT CLARK (hereinafter "Respondent CLARK") was licensed by the Department as a conditional real estate salesperson

until said license was suspended pursuant to Section 10153.4 of the Code, effective January 10, 2009. At all times herein mentioned, from July 9, 2007, though and until January 9, 2009, Respondent CLARK was licensed as a conditional real estate salesperson in the employ of LRI.

8

At all times herein mentioned, Respondent SCOTT CHRISTOPHER CHELINI (hereinafter "Respondent CHELINI") was licensed by the Department as a conditional real estate salesperson until said license was suspended pursuant to Section 10153.4 of the Code effective May 11, 2009. At all times herein mentioned, from November 10, 2007, though and until May 10, 2009, Respondent CHELINI was licensed as a conditional real estate salesperson in the employ of LRI.

9

At all times herein mentioned, Respondent GARY D. CANTRELL (hereinafter "Respondent CANTRELL") was and is licensed by the Department as a real estate salesperson. At no time between December 29, 2006, through and until February 18, 2009, was Respondent CANTRELL licensed in the employ of any real estate broker. From February 19, 2009, through and until June 5, 2010, Respondent CANTRELL was licensed as a real estate salesperson in the employ of Joel Eric Wright, an individual licensed by the Department as a real estate broker. At no time herein mentioned was Respondent CANTRELL licensed in the employ of LRI or Respondent BOHL.

10

At all times herein mentioned, Respondent SCOTT ANDREW GENIELLA (hereinafter "Respondent GENIELLA") was and is licensed by the Department as a real estate salesperson. At all times herein mentioned, from October 30, 2006, though and until March 2, 2009, Respondent GENIELLA was licensed as a real estate salesperson in the employ of LRI.

11

At all times herein mentioned, Respondent BOHL was licensed by the Department as the designated broker/officer of LRI from September 19, 2006, through and until December 9, 2009. As said designated broker/officer, Respondent BOHL was at all times mentioned herein responsible pursuant to Section 10159.2 and Section 10177(h) of the Code and Section 2725 of Chapter 6, Title 10, California Code of Regulations (hereinafter "the Regulations") for the supervision and control of the activities of the officers, agents, real estate licensees employed by, and other employees of LRI and of the activities of the corporation for which a real estate license is required.

12

At all times herein mentioned, Respondent MOULTON is and was the chief executive officer, agent for service of process, and majority stockholder of LRI, and, therefore, LRI was and is the alter ego of Respondent MOULTON, and whenever a reference is made to an act, omission or representation of LRI, such allegation shall be deemed to mean that Respondent MOULTON was so acting, failing to act, and/or speaking, or that such act, failure to act, and/or representation was done at the direction of or ratified by Respondent MOULTON.

13

At all times herein mentioned, Respondent BOHL is and was the secretary and chief financial officer and a principal stockholder of LRI, and, therefore, LRI was and is the alter ego of Respondent BOHL, and whenever a reference is made to an act, omission or representation of LRI, such allegation shall be deemed to mean that Respondent BOHL was so acting, failing to act, and/or speaking, or that such act, failure to act, and/or representation was done at the direction of or ratified by Respondent BOHL.

14

Whenever reference is made in an allegation in this Accusation to an act or omission of LRI, such allegation shall be deemed to mean that the officers, directors, employees, agents and real estate licensees employed by or associated with LRI committed such act or omission while engaged in the furtherance of the business or operations of LRI and while acting within the course and scope of their corporate authority and employment.

15

At all times herein mentioned, Respondents, collectively and individually and each of them, engaged in the business of, acted in the capacity of, advertised, or assumed to act as a real estate broker within the State of California within the meaning of Section 10131(d) of the Code, including on behalf of others, for compensation or in expectation of compensation, solicited borrowers or lenders for or negotiated loans or collected payments or performed services for borrowers or lenders or note owners in connection with loans secured directly or collaterally by liens on real property or on a business opportunity.

FIRST CAUSE OF ACTION

16

There is hereby incorporated in this First, separate and distinct, Cause of Action, all of the allegations contained in Paragraphs 1 through 15, inclusive, of the Accusation with the same force and effect as if herein fully set forth.

17

Within the three-year period prior to the filing of this Accusation, in acting as a real estate broker as described in Paragraph 15, above, LRI, Respondent BOHL and Respondent MOULTON accepted or received funds in trust (hereinafter "trust funds") from or on behalf of lenders, note owners, buyers, borrowers, and/or others in connection with the said mortgage activities and loan services for borrowers or lenders or note owners in connection with loans secured directly or collaterally by liens on real property.

18

Within the three-year period prior to the filing of this Accusation, in connection with the collection and disbursement of trust funds, the aforesaid trust funds accepted or received by LRI, Respondent BOHL and Respondent MOULTON, were deposited or caused to be deposited by said Respondents into bank accounts maintained by LRI as follows:

a.) At Bank of America, Sunset Park, P.O. Box 37176 San Francisco, California, Account No. 25175-69070, entitled "Loan Review, Inc. Trust Account" (hereinafter "Trust Account #1) with Respondent BOHL and Respondent MOULTON as the authorized signatories on said account; and,

b.) At Bank of America, Sunset Park, P.O. Box 37176 San Francisco, California, Account No. 01200-45474, entitled "Loan Review, Inc." (hereinafter "Account #2) with Respondent BOHL and Respondent MOULTON as the authorized signatories on said account.

19

In connection with the collection and disbursement of trust funds, as alleged in Paragraphs 17 and 18, above, LRI, Respondent BOHL and Respondent MOULTON failed to deposit and maintain the trust funds in a trust account or neutral escrow depository, or to deliver them into the hands of the owners of the funds, as required by Section 10145 of the Code, in such a manner that there was a trust fund shortage in Trust Account #1 in the approximate sum of $24,748.43 as of May 28, 2009.

20

Within the three-year period prior to the filing of this Accusation, in connection with the collection and disbursement of trust funds, as alleged in Paragraphs 17, 18 and 19, above, LRI, Respondent BOHL and Respondent MOULTON failed to obtain the prior written consents of the principals for the reduction of the aggregate balance of trust funds in Trust Account #1 to an amount less than the existing aggregate trust fund liability to the owners of said funds as required by Section 2832.1 of the Regulations (requiring written consent of every principal whose funds in the account shall be obtained by broker prior to each disbursement if such reduces the balance of funds in account to an amount less than existing trust fund aggregate liability of broker to all owners of funds).

21

Within the three-year period prior to the filing of this Accusation, in connection with the real estate activities described in Paragraphs 15, 17 and 18, above, LRI, Respondent BOHL and Respondent MOULTON claimed, demanded, charged, received, collected, and provided a written contract for fees from borrowers for services Respondents were to perform thereafter in connection with loans secured or to be secured directly or collaterally by liens on the borrowers' real property.

22

The fee described in Paragraph 21, above, constituted an "advance fee" within the meaning of Section 10026 of the Code (advance fee is a fee collected, charged, demanded, claimed or received from a principal before fully completing every service licensee contracted to perform) and Section 10131.2 of the Code (broker is a person engaging in the business of claiming, demanding, charging, receiving, collecting or contracting for an advance fee in connection with employment to sell, lease, exchange real property, or to obtain a loan on real property). Said fee constituted trust funds within the meaning of Sections 10145 and 10146 of the Code (advance fees are trust funds and shall be deposited to a trust account).

23

Within the three-year period prior to the filing of this Accusation, LRI, Respondent BOHL and Respondent MOULTON deposited the trust fund advance fees set forth in Paragraphs 21 and 22, into Bank Account #2, which was not designated as a trust account in the name of the broker as trustee as required by Section 2832 of the Regulations (requiring deposit of trust funds into neutral escrow depository or into trust fund account in a bank in the name of broker as trustee . . .).

24

Within the three-year period prior to the filing of this Accusation, in connection with the collection and disbursement of trust funds, as alleged in Paragraphs 17 through 22, inclusive, above, LRI, Respondent BOHL and Respondent MOULTON:

(a) Failed to perform, at least once a month, a reconciliation of all the separate beneficiary records with the control record, and/or failed to maintain a record of such reconciliations as required by Section 2831.2 of the Regulations (maintain balance of all separate beneficiary and reconcile funds received with funds disbursed, etc.) for Trust Account #1;

(b) Failed to provide to the borrowers a verified accounting of the advance fee trust funds disbursed as required by Section 10146 of the Code (each principal shall be furnished a verified accounting at end of each calendar quarter and when contract completely performed) and containing the information required by Section 2972 of the Regulations (verified accounting shall contain agent's name, principal's name, description of

services rendered, identify trust account, advance free amount, fee allocated to services performed, commissions paid, overhead and profit); and,

(c) Deposited trust funds and funds belonging to LRI, Respondent BOHL and Respondent MOULTON into Bank Account #2 in violation of Section 10176(e) of the Code (commingling with his or her own money or property the money or other property of others which is received and held by him or her).

25

The acts and/or omissions of Respondents BOHL and MOULTON as alleged above constitute cause for the suspension or revocation of the licenses and license rights of Respondents under the following provisions:

(a) As alleged in Paragraph 19, under Section 10145 of the Code (broker accepting funds belonging to others shall deposit such funds not immediately into hands of principal or into neutral escrow depository shall deposit into a trust account maintained by broker in a bank until disbursed in accordance with principal's instructions) in conjunction with Section 10177(d) of the Code (suspension or revocation of license for willful disregard or violation of the Real Estate Law, §§ 10000 et seq. and §§ 11000 et seq. of the Code, or of the Regulations);

(b) As alleged in Paragraph 20, under Section 2832.1 of the Regulations (requiring written consent of every principal whose funds in the account shall be obtained by broker prior to each disbursement if such reduces the balance of funds in account to an amount less than existing trust fund aggregate liability of broker to all owners of funds) in conjunction with Section 10177(d) of the Code;

(c) As alleged in Paragraphs 21, 22 and 23, under Section 2832 of the Regulations (requiring deposit of trust funds into neutral escrow depository or into trust fund account in bank in the name of broker as trustee . . .) in conjunction with Section 10177(d) of the Code;

(d) As alleged in Paragraph 24(a), under Section 2831.2 of the Regulations (maintain balance of all separate beneficiary and reconcile funds received with funds disbursed, etc.) in conjunction with Section 10177(d) of the Code;

(e) As alleged in Paragraph 24(b), under Section 10146 of the Code and Section 2972 of the Regulations all in conjunction with Section 10177(d) of the Code;

(f) As alleged in Paragraph 24(c), under Section 10176(e) of the Code.

SECOND CAUSE OF ACTION

26

There is hereby incorporated in this Second, separate and distinct, Cause of Action, all of the allegations contained in Paragraphs 1 through 25, inclusive, of the Accusation with the same force and effect as if herein fully set forth.

27

Within the three period prior to the filing of this Accusation, in connection with the real estate activities described in Paragraphs 15, 21 and 22, above, LRI, Respondent BOHL and Respondent MOULTON claimed, demanded, charged, received, collected, and provided a written contract for advance fees from borrowers for services Respondents were to perform thereafter in obtaining modifications of loans secured or to be secured directly or collaterally by liens on the borrowers' real property including, but not limited to, the following transactions:

Borrower	**Property**	**Lender**	**Advance Fee Received**	**Date Received**
Brad Gibson June Gibson	488 Bevanda Ct. Oakdale, CA	Washington Mutual	$1,500.00	11/12/08
Brian Glasgow	8248 Auberry Dr. Sacramento, CA	Wachovia	$1,000.00	1/26/09

28

The fee described in Paragraph 27, above, constituted an "advance fee" within the meaning of Sections 10026 and 10131.2 of the Code. Said fee constituted trust funds within the meaning of Sections 10145 and 10146 of the Code.

29

In connection with the collection, receipt, and handling of the advance fee as described in Paragraph 22, above, LRI, Respondent BOHL and Respondent MOULTON provided to the aforesaid borrowers an advance fee contract that had not been approved by the Department of Real Estate prior to use as required by Section 10085 of the Code (authorizing commissioner to require submission and approval of advance fee contract, materials and advertising prior to use), Section 10085.5 of the Code (unlawful to demand, charge, receive, collect or contract for advance fee for performing services for borrowers or lenders in connection with loans secured directly or collaterally by lien on real property unless licensed as a real estate broker) and Section 2970 of the Regulations (person proposing to collect advance fee shall submit all advance fee materials to commissioner not less than 10 days prior to use or publication).

30

The acts and/or omissions of Respondent BOHL and Respondent MOULTON described in Paragraphs 27, 28 and 29, above, are grounds for the suspension or revocation of the license and license rights of Respondent BOHL and Respondent MOULTON under Sections 10085 and 10085.5 of the Code and Section 2970 of the Regulations in conjunction with Section 10177(d) of the Code (suspension or revocation of license for willful disregard or violation of the Real Estate Law, §§ 10000 et seq. and §§ 11000 et seq. of the Code, or of the Regulations).

THIRD CAUSE OF ACTION

31

There is hereby incorporated in this Third, separate and distinct, Cause of Action, all of the allegations contained in Paragraphs 1 through 20, inclusive, of the Accusation with the same force and effect as if herein fully set forth.

32

Within three years prior to the filing of this Accusation, and at all times herein mentioned, in the course and scope of soliciting borrowers and negotiating loans secured by real property as set forth in Paragraph 8, above, LRI, Respondent BOHL and Respondent MOULTON were required under Section 10240 of the Code to provide to borrowers a Mortgage Lender Disclosure Statement (hereinafter "MLDS") and/or a Good Faith Estimate (hereinafter "GFE") showing the name of the broker negotiating the loan, the broker license number, and/or showing the license number of the broker's representative, and as signed by the borrower, and containing a statement that the MLDS and/or GFE does not constitute a loan commitment, in conformance with and containing the information required by Section 10241 of the Code (requiring MLDS to disclose: all costs and expenses of loan; commissions, points and bonuses paid to broker; liens encumbering property; amounts to be paid by borrower to others; loan balance; funds due to borrower; principal; interest rate; balloon payments; name, address and license number of broker; inclusion of broker controlled funds; prepayment terms; etc.)

33

Within three years prior to the filing of this Accusation, and at all times herein mentioned, in the course and scope of soliciting borrowers and negotiating promissory notes secured by real property as set forth in Paragraph 15, above, LRI, Respondent BOHL and Respondent MOULTON failed to maintain and/or failed to provide to the borrower the MLDS and/or GFE as signed by borrower and/or containing all of the information required under Section 10240 of the Code in violation of Section 10240 of the Code (within 3 business days after receipt of written loan application or before borrower becomes obligated on the note, whichever is earlier, broker negotiating a loan secured by real property shall deliver to borrower as signed by borrower copy of the disclosure containing information required by section 10241 of the Code), and/or failed to maintain and make available to the Department's representative in violation of Section 10148 of the Code (broker shall retain for three years copies of all

documents and records executed or obtained by broker in connection with any transaction requiring a real estate license and shall make such available to the Commissioner's representative upon notice) a copy of the MLDS as signed by the borrower, in the following transactions:

Lenders	Amount Loaned	Date MLDS/GFE Prepared	Borrowers	Property Securing Loan
Wachovia Mortgage	$585,000	2/13/08	Ina Clayton Ena Paschall	5020 W. 58th Place Los Angeles, CA
1st Federal Bank	$640,000	3/21/08	William Papania Heather Abraham	32 Rudden Ave. San Francisco, CA

34

The acts and/or omissions of Respondent BOHL and Respondent MOULTON as alleged in Paragraphs 32 and 33, above, constitute cause for the suspension or revocation of the licenses and license rights of said Respondents under the following provisions:

(a) Under the provisions of Section 10240 of the Code and/or Section 10148 of the Code, all in conjunction with Section 10177(d) of the Code (suspension or revocation of license for willful disregard or violation of the Real Estate Law, §§ 10000 et seq. of the Code, or of the Regulations); and/or,

(b) Under the provisions of Section 10177(g) of the Code (demonstrated negligence or incompetence in performing an act for which he or she is required to hold a license).

FOURTH CAUSE OF ACTION

35

There is hereby incorporated in this Fourth, separate and distinct, Cause of Action, all of the allegations contained in Paragraphs 1 through 34, inclusive, of the Accusation with the same force and effect as if herein fully set forth.

36

Within the three year period prior to the filing of this Accusation and at all times herein mentioned, LRI, Respondent BOHL and Respondent MOULTON employed Zachary Frank to perform and engage in the activities set forth in Paragraph 15, above, for which a real estate license is required.

37

At no time did the Department license Zachary Frank as either a real estate broker or as a real estate salesperson.

38

Within the three-year period prior to the filing of this Accusation, on or about November 6, 2008, Respondent BOHL represented to Brad Gibson, contrary to fact, as Respondent knew or should have known at the time through the exercise of reasonable diligence, that LRI, Respondent BOHL and Respondent MOULTON could modify Gibson's existing loan secured by a lien on the real property of Brad and June Gibson, identified as 488 Bevanda Court in Oakdale, California, could obtain a lower interest rate, and could eliminate from six to twelve monthly mortgage payments.

39

Within the three-year period prior to the filing of this Accusation, on or about November 7, 2008, Zachary Frank, at the direction of and/or as ratified by LRI, Respondent BOHL and Respondent MOULTON, represented to June Gibson, contrary to fact, as Respondents knew or should have known at the time through the exercise of reasonable diligence, that a loan modification would in fact be accomplished within four to six weeks or by January 1, 2009.

40

Within the three-year period prior to the filing of this Accusation, on or about November 11, 2008, Respondent CLARK, at the direction of and/or as ratified by LRI, Respondent BOHL and Respondent MOULTON, represented to Brad Gibson, contrary to fact, as Respondents knew or should have known at the time through the exercise of reasonable diligence, that there was no risk because the advance fee collected was refundable, stating "if we don't get this done, we are not going to keep your money."

41

Within the three-year period prior to the filing of this Accusation, on or about November 12, 2008, Zachary Frank, at the direction of and/or as ratified by LRI, Respondent BOHL and Respondent MOULTON, represented to Brad and June Gibson, contrary to fact, as Respondents knew or should have known at the time through the exercise of reasonable diligence, that a hardship letter would be prepared would be prepared and ready for their review the next day, and would be submitted to their lender.

42

The representations described in Paragraphs 38, 39, 40, and 41, above, were false and misleading and were known by Respondents to be false and misleading when made and

were directed to be made or ratified by LRI, Respondent BOHL and Respondent MOULTON with no reasonable grounds for believing said representations to be true, and/or said Respondents should have known at the time through the exercise of reasonable diligence that such representations were false and misleading. In truth and in fact: 1.) there was no certainty that a loan modification could be achieved on behalf of Brad and June Gibson; 2.) there was no certainty that the interest rate could be lowered; 3.) there was no certainty that any monthly loan payments could be eliminated; 4.) a loan modification would not be accomplished; 5.) Respondents would not and did not negotiate with the Gibsons' lender; 6.) Respondents would not and did not submit anything to the Gibsons' lender; and, 7.) no hardship letter was prepared and was not available for the Gibsons' approval on November 13, 2008.

43

The acts and omissions of Respondents BOHL, MOULTON and CLARK described in Paragraphs 38, 39, 40, and 41, above, constitute misrepresentation, fraud, deceit, and dishonest dealing.

44

The facts alleged in Paragraphs 36, 37, 38, 39, 40, 41, 42 and 43 above, are grounds for the suspension or revocation of the licenses and licensing rights of Respondents under the following provisions:

(a) As to Respondents BOHL, MOULTON and CLARK, under Sections 10176(a) of the Code (making a substantial misrepresentation);

(b) As to Respondents BOHL, MOULTON and CLARK, under Section 10176(b) of the Code (making any false promises of a character likely to influence, persuade or induce);

(c) As to Respondents BOHL, MOULTON and CLARK, under Section 10176(i) of the Code (any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing);

(d) As to Respondents BOHL, MOULTON and CLARK, under Section 10177(g) of the Code (demonstrated negligence or incompetence in performing an act for which he or she is required to hold a license);

(e) As to Respondents BOHL, MOULTON and CLARK, under Section 10177(j) of the Code (any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing);

(f) As to Respondent BOHL, as alleged in Paragraph Paragraphs 36, 37, 39, and 41, under Section 10130 of the Code (unlawful any person to act as a real estate broker or salesperson without a real estate license from the department) and Section 10137 of the Code (unlawful for real estate broker to employ or compensate any person for performing acts requiring a real estate license unless person is a licensed salesperson in the broker's employ or is another licensed broker) in conjunction with and Section

10177(d) the Code (suspension or revocation of license for willful disregard or violation of the Real Estate Law, §§ 10000 et seq. of the Code, or of the Regulations); and,

(g) As to Respondent MOULTON as alleged in Paragraphs 36, 37, 39, and 41, under Section 10130 of the Code (unlawful for any person to act as a real estate broker or salesperson without a real estate license from the department) and Section 10138 of the Code (commissioner may revoke or suspend licensee who compensates any person for performing acts requiring a real estate broker license who is not licensed as a real estate broker).

FIFTH CAUSE OF ACTION

45

There is hereby incorporated in this Fifth, separate and distinct, Cause of Action, all of the allegations contained in Paragraphs 1 through 44, inclusive, of the Accusation with the same force and effect as if herein fully set forth.

46

Within the three year period prior to the filing of this Accusation and at all times herein mentioned, LRI, Respondent BOHL and Respondent MOULTON employed Respondent GUZMAN to perform and engage in the activities set forth in Paragraph 15, above.

47

Within the three-year period prior to the filing of this Accusation, on or about January 26, 2009, Respondent GUZMAN met with borrower Abel Perez at the offices of LRI, Respondent BOHL and Respondent MOULTON, located at 1011 Sunset Boulevard, Suite 116, in Rocklin, California, for the purpose of soliciting to perform services on behalf of said borrower and negotiating with said borrower in connection with loans secured directly or collaterally by liens on said borrower's real property identified as 4186 N. Katy Avenue in Fresno, California.

48

Within the three-year period prior to the filing of this Accusation, on or about January 26, 2009, Respondent GUZMAN, at the direction of and/or as ratified by LRI, Respondent BOHL and Respondent MOULTON, represented to Abel Perez, contrary to fact, as Respondents knew or should have known at the time through the exercise of reasonable diligence, that a loan modification could be accomplished resulting in a lowering of the monthly payments due on the loan secured by Abel Perez' 4186 N. Katy Avenue property.

49

The representations described in Paragraph 48, above, were false and misleading and were known by Respondents to be false and misleading when made and were directed to be made or ratified by LRI, Respondent BOHL and Respondent MOULTON with no reasonable grounds for believing said representations to be true, and/or said Respondents should have known at the time through the exercise of reasonable diligence that such representations were false and misleading. In truth and in fact: 1.) there was no certainty that a loan modification could be achieved on behalf of Abel Perez; 2.) there was no certainty that the monthly loan payments could be lowered; 3.) a loan modification would not be accomplished; 5.) Respondents would not and did not negotiate with Abel Perez' lender; and, 6.) Respondents would not and did not submit anything to the Abel Perez' lender.

50

The acts and omissions of Respondents BOHL, MOULTON and GUZMAN described in Paragraphs 48 and 49, above, constitute misrepresentation, fraud, deceit, and dishonest dealing.

51

The facts alleged in Paragraphs 46, 47, 48, 49 and 50, above, are grounds for the suspension or revocation of the licenses and licensing rights of Respondents under the following provisions:

(a) As to Respondents BOHL, MOULTON and GUZMAN, under Sections 10176(a) of the Code (making a substantial misrepresentation);

(b) As to Respondents BOHL, MOULTON and GUZMAN, under Section 10176(b) of the Code (making any false promises of a character likely to influence, persuade or induce);

(c) As to Respondents BOHL, MOULTON and GUZMAN, under Section 10176(i) of the Code (any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing);

(d) As to Respondents BOHL, MOULTON and GUZMAN, under Section 10177(g) of the Code (demonstrated negligence or incompetence in performing an act for which he or she is required to hold a license);

(e) As to Respondents BOHL, MOULTON and GUZMAN, under Section 10177(j) of the Code (any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing);

(f) As to Respondent BOHL as alleged in Paragraphs 46 and 47, under Section 10137 of the Code (unlawful for real estate broker to employ or compensate any person for performing acts requiring a real estate license unless person is a licensed salesperson in the broker's employ or is another licensed broker) in conjunction with and Section 10177(d) the

Code (suspension or revocation of license for willful disregard or violation of the Real Estate Law, §§ 10000 et seq. of the Code, or of the Regulations);

(g) As to Respondent MOULTON as alleged in Paragraphs 46 and 47, under Section 10138 of the Code (commissioner may revoke or suspend licensee who compensates any person for performing acts requiring a real estate broker who is not licensed as a real estate broker);

(h) As to Respondent GUZMAN as alleged in Paragraphs 46 and 47, under Section 10137 of the Code (no real estate salesperson licensee shall be employed by or accept compensation from any person other than the broker under whom he is at the time licensed) in conjunction with and Section 10177(d) the Code; and,

(i) As to Respondent BOHL as alleged in Paragraphs 46 and 47, under Section 10161.8(a) of the Code (whenever a real estate salesperson enters the employ of a real estate broker, the broker shall immediately notify the commissioner in writing) and Section 10165 of the Code (commissioner may suspend or revoke license of broker for violation of § 10161.8 of the Code) and/or in conjunction with Section 10177(d) of the Code.

SIXTH CAUSE OF ACTION

52

There is hereby incorporated in this Sixth, separate and distinct, Cause of Action, all of the allegations contained in Paragraphs 1 through 51, inclusive, of the Accusation with the same force and effect as if herein fully set forth.

53

Within the three year period prior to the filing of this Accusation and at all times herein mentioned, LRI, Respondent BOHL and Respondent MOULTON employed Cory Thouren to perform and engage in the activities set forth in Paragraph 15, above, for which a real estate license is required.

54

At no time did the Department license Cory Thouren as either a real estate broker or as a real estate salesperson.

55

Within the three-year period prior to the filing of this Accusation, on or about January 26, 2009, Cory Thouren, at the direction of and/or as ratified by LRI, Respondent BOHL and Respondent MOULTON, met with borrower Brian Glasgow at the offices of LRI, Respondent BOHL and Respondent MOULTON, located at 1011 Sunset Boulevard, Suite 116, in Rocklin, California, for the purpose of soliciting to perform services on behalf of Brian

Glasgow and negotiating with said borrower in connection with loans secured directly or collaterally by liens on said borrower's real property identified as 8248 Auberry Drive in Sacramento, California.

56

Within the three-year period prior to the filing of this Accusation, on or about January 26, 2009, Cory Thouren, at the direction of and/or as ratified by LRI, Respondent BOHL and Respondent MOULTON, represented to Brian Glasgow, contrary to fact, as Respondents knew or should have known at the time through the exercise of reasonable diligence, that: 1.) LRI would negotiate a loan modification; 2.) LRI will negotiate with Brian Glasgow's lender; and, 3.) recommended that the lender would more likely agree to a loan modification if the borrower stopped making the monthly loan payments.

57

The representations described in Paragraph 56, above, were false and misleading and were known by Respondents to be false and misleading when made and were directed to be made or ratified by LRI, Respondent BOHL and Respondent MOULTON with no reasonable grounds for believing said representations to be true, and/or said Respondents should have known at the time through the exercise of reasonable diligence that such representations were false and misleading. In truth and in fact: 1.) there was no certainty that a loan modification could be achieved on behalf of Brian Glasgow; 2.) terminating the monthly loan payments would subject the borrower to risk of losing the property though foreclosure or a trustee's sale under the deed of trust; 3.) Respondents would not and did not negotiate with Glasgow's lender; and, 4.) Respondents would not and did not submit anything to Glasgow's lender.

58

The acts and omissions of Respondents BOHL and MOULTON described in Paragraphs 56 and 57, above, constitute misrepresentation, fraud, deceit, and dishonest dealing.

59

Within the three period prior to the filing of this Accusation, in connection with the real estate activities described in Paragraphs 57 and 58, above, at the direction of and/or as ratified by LRI, Respondent BOHL and Respondent MOULTON, Cory Thouren claimed, demanded, charged, received, and collected advance fees totaling $2,000.00 from borrower Brian Glasgow and provided to said borrower a written contract for advance fees that had not been approved by the Department of Real Estate prior to use in violation of Sections 10085 and 10085.5 of the Code and Section 2970 of the Regulations for services Respondents were to perform thereafter in obtaining modifications of loans secured or to be secured directly or collaterally by liens on the borrowers' real property.

The facts alleged in Paragraphs 54, 55, 56, 57, 58, and 59, above, are grounds for the suspension or revocation of the licenses and licensing rights of Respondents under the following provisions:

(a) As to Respondents BOHL and MOULTON, under Sections 10176(a) of the Code (making a substantial misrepresentation);

(b) As to Respondents BOHL and MOULTON, under Section 10176(b) of the Code (making any false promises of a character likely to influence, persuade or induce);

(c) As to Respondents BOHL and MOULTON, under Section 10176(i) of the Code (any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing);

(d) As to Respondents BOHL and MOULTON, under Section 10177(g) of the Code (demonstrated negligence or incompetence in performing an act for which he or she is required to hold a license);

(e) As to Respondents BOHL and MOULTON, under Section 10177(j) of the Code (any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing);

(f) As to Respondent BOHL as alleged in Paragraphs 53, 54, 55, and 56, under Section 10130 of the Code (unlawful any person to act as a real estate broker or salesperson without a real estate license from the department) and Section 10137 of the Code (unlawful for real estate broker to employ or compensate any person for performing acts requiring a real estate license unless person is a licensed salesperson in the broker's employ or another licensed broker) in conjunction with and Section 10177(d) the Code (suspension or revocation of license for willful disregard or violation of the Real Estate Law, §§ 10000 et seq. of the Code, or of the Regulations);

(g) As to Respondent MOULTON as alleged in Paragraphs 53, 54, 55, and 56, under Section 10130 of the Code (unlawful for any person to act as a real estate broker or salesperson without a real estate license from the department) and Section 10138 of the Code (commissioner may revoke or suspend licensee who compensates any person for performing acts requiring a real estate broker license who is not licensed as a real estate broker); and,

(h) As to Respondents BOHL and MOULTON, as alleged in Paragraph 59, above, under Sections 10085 and 10085.5 of the Code and Section 2970 of the Regulations, all in conjunction with Section 10177(d) of the Code.

SEVENTH CAUSE OF ACTION

61

There is hereby incorporated in this Seventh, separate and distinct, Cause of Action, all of the allegations contained in Paragraphs 1 through 60, inclusive, of the Accusation with the same force and effect as if herein fully set forth.

62

Within the three-year period prior to the filing of this Accusation, in or about November 2008, LRI, Respondent BOHL and Respondent MOULTON, by letter, solicited Jay Dyer to perform services on behalf of said borrower in connection with loans secured directly or collaterally by liens on said borrower's real property identified as 7631 Mariposa Avenue in Citrus Heights, California. The aforesaid letter stated that Jay Dyer: 1.) qualified for a loan modification; 2.) was eligible to have his loan "re-negotiated by our professionals to reduce" his monthly payment; 3.) was eligible to have the principle balance of his loan reduced by "shaving thousands off your loan;" and, 4.) was eligible to have his monthly loan payments deferred "for up to six months."

63

Within the three-year period prior to the filing of this Accusation, on or about November 18, 2008, Respondent CLARK and Respondent CHELINI met with borrowers Jay and Sue Dyer at the offices of LRI, Respondent BOHL and Respondent MOULTON, located at 1011 Sunset Boulevard, Suite 116, in Rocklin, California, for the purpose of soliciting said borrowers to perform services on their behalf and negotiating with said borrowers in connection with loans secured directly or collaterally by liens on said borrower s' real property identified as 7631 Mariposa Avenue in Citrus Heights, California.

64

Within the three-year period prior to the filing of this Accusation, on or about November 18, 2009, Respondent CLARK and Respondent CHELINI, and each of them, at the direction of and/or as ratified by LRI, Respondent BOHL and Respondent MOULTON, represented to Jay and Sue Dyer, contrary to fact, as Respondents knew or should have known at the time through the exercise of reasonable diligence, that: 1.) Respondents would obtain a loan modification for the Dyers; 2.) Respondents would contact the Dyers' lender; 3.) Respondents had a 95% success rate in obtaining loan modifications; 4.) Respondents CLARK and CHELINI would perform the loan modification and negotiation work to obtain a loan modification; and, 5.) Respondents personally guaranteed that a loan modification would be achieved.

65

The representations described in Paragraphs 62 and 64, above, were false and misleading and were known by Respondents to be false and misleading when made and were

directed to be made or ratified by LRI, Respondent BOHL and Respondent MOULTON with no reasonable grounds for believing said representations to be true, and/or said Respondents should have known at the time through the exercise of reasonable diligence that such representations were false and misleading. In truth and in fact: 1.) there was no certainty that a loan modification could be achieved on behalf of the Dyers; 2.) there was no certainty that the monthly loan payments could be lowered; 3.) there was no certainty that any loan payments would be deferred; 4.) there was no certainty a loan modification would be accomplished; 5.) the Dyers' did not unconditionally qualify for a loan modification; 5.) Respondents would not and did not negotiate with the Dyers' lender; 6.) Respondents would not and did not submit anything to the Dyers' lender; and, 7.) Respondents would not and did not provide a full refund of the fees paid by the Dyers for a loan modification.

66

The acts and omissions of Respondents BOHL, MOULTON, CLARK and CHELINI described in Paragraphs 62, 63 and 64, above, constitute misrepresentation, fraud, deceit, and dishonest dealing.

67

Within the three period prior to the filing of this Accusation, on or about November 18, 2009, in connection with the real estate activities described in Paragraphs 62, 63 and 64, above, Respondent CLARK and Respondent CHELINI, and each of them, at the direction of and/or as ratified by LRI, Respondent BOHL and Respondent MOULTON, claimed, demanded, charged, received, and collected advance fees totaling $1,500.00 from borrowers Jay and Sue Dyer and provided to said borrowers a written contract for advance fees that had not been approved by the Department of Real Estate prior to use in violation of Sections 10085 and 10085.5 of the Code and Section 2970 of the Regulations for services Respondents were to perform thereafter in obtaining modifications of loans secured or to be secured directly or collaterally by liens on the borrowers' real property.

68

The facts alleged in Paragraphs 62, 63, 64, 65, 66, and 67, above, are grounds for the suspension or revocation of the licenses and licensing rights of Respondents under the following provisions:

(a) As to Respondents BOHL, MOULTON, CLARK and CHELINI under Sections 10176(a) of the Code (making a substantial misrepresentation);

(b) As to Respondents BOHL, MOULTON, CLARK and CHELINI, under Section 10176(b) of the Code (making any false promises of a character likely to influence, persuade or induce);

(c) As to Respondents BOHL, MOULTON, CLARK and CHELINI, under Section 10176(i) of the Code (any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing);

(d) As to Respondents BOHL, MOULTON, CLARK and CHELINI, under

Section 10177(g) of the Code (demonstrated negligence or incompetence in performing an act for which he or she is required to hold a license);

(e) As to Respondents BOHL, MOULTON, CLARK and CHELINI, under Section 10177(j) of the Code (any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing); and,

(g) As to Respondents BOHL, MOULTON, CLARK and CHELINI, as alleged in Paragraph 67, above, under Sections 10085 and 10085.5 of the Code and Section 2970 of the Regulations, all in conjunction with Section 10177(d) of the Code.

EIGHTH CAUSE OF ACTION

69

There is hereby incorporated in this Eighth, separate and distinct, Cause of Action, all of the allegations contained in Paragraphs 1 through 68, inclusive, of the Accusation with the same force and effect as if herein fully set forth.

70

Within the three year period prior to the filing of this Accusation and at all times herein mentioned, LRI, Respondent BOHL and Respondent MOULTON employed Respondent CANTRELL to perform and engage in the activities set forth in Paragraph 15, above.

71

Within the three-year period prior to the filing of this Accusation, on or about October 18, 2008, Respondent CANTRELL, at the direction of and/or as ratified by LRI, Respondent BOHL and Respondent MOULTON, met with borrower Victor Spradley at the offices of Respondent CANTRELL, located at 1380 Lead Hill Boulevard, Suite 160, in Roseville, California, for the purpose of soliciting Victor Spradley to perform services on behalf of said borrower and negotiating with said borrower in connection with loans secured directly or collaterally by liens on said borrower's real properties identified as 6831 Florabelle Avenue in Citrus Heights, California, and 6224 Greentop Way in Orangevale, California.

72

Within the three-year period prior to the filing of this Accusation, on or about October 18, 2009, Respondent CANTRELL, at the direction of and/or as ratified by LRI, Respondent BOHL and Respondent MOULTON, represented to Victor Spradley, contrary to fact, as Respondents knew or should have known at the time through the exercise of reasonable diligence, that: 1.) a loan modification could be accomplished resulting in a lowering of the monthly payments, a lowering of the interest rate, reduction of principal balance, and/or conversion to a fixed rate on the loans secured by Victor Spradley's real properties; 2.) Respondents would negotiate on behalf of, and would obtain a loan modification for Victor

Spradley; 3.) Respondents had a 97% success rate in obtaining loan modifications; and, 4.) that there was a money back guarantee.

73

The representations described in Paragraph 72, above, were false and misleading and were known by Respondents to be false and misleading when made and were directed to be made or ratified by LRI, Respondent BOHL and Respondent MOULTON with no reasonable grounds for believing said representations to be true, and/or said Respondents should have known at the time through the exercise of reasonable diligence that such representations were false and misleading. In truth and in fact: 1.) there was no certainty that a loan modification could be achieved on behalf of Victor Spradley; 2.) there was no certainty that the monthly loan payments, principal balance, or interest rate could be lowered or that the loans could be converted to a fixed rate; 3.) a loan modification would not be accomplished; 5.) Respondents would not and did not negotiate with Victor Spradley's lenders; 6.) Respondents would not and did not submit anything to Victor Spradley's lenders; and, 7.) Respondents would not and did not refund the fees paid by Victor Spradley for loan modification services.

74

The acts and omissions of Respondents BOHL, MOULTON and CANTRELL described in Paragraphs 72 and 73, above, constitute misrepresentation, fraud, deceit, and dishonest dealing.

75

Within the three period prior to the filing of this Accusation, in connection with the real estate activities described in Paragraphs 71, 72, and 73, above, Respondent CANTRELL, at the direction of and/or as ratified by LRI, Respondent BOHL and Respondent MOULTON, claimed, demanded, charged, received, and collected advance fees totaling $6,000.00 from borrower Victor Spradley and provided to said borrower a written contract for advance fees that had not been approved by the Department of Real Estate prior to use as in violation of Sections 10085 and 10085.5 of the Code and Section 2970 of the Regulations for services Respondents were to perform thereafter in obtaining modifications of loans secured or to be secured directly or collaterally by liens on the borrowers' real property.

76

Within the three year period prior to the filing of this Accusation, LRI and Respondent BOHL maintained more than one place of business and failed to apply for and procure an additional license for the branch office Respondents maintained, as set forth in Paragraph 71, above, at 1380 Lead Hill Boulevard, Suite 160, in Roseville, California, in violation of Section 2715 of the Regulations (every broker not acting in the capacity of a salesperson to another broker shall maintain on file with commissioner the address of each branch office) and Section 10163 of the Code (broker maintaining more than one place of business shall apply for and procure additional license for each branch).

The facts alleged in Paragraphs 70, 71, 72, 73, 74, 75 and 76, above, are grounds for the suspension or revocation of the licenses and licensing rights of Respondents under the following provisions:

(a) As to Respondents BOHL, MOULTON and CANTRELL, under Sections 10176(a) of the Code (making a substantial misrepresentation);

(b) As to Respondents BOHL, MOULTON and CANTRELL, under Section 10176(b) of the Code (making any false promises of a character likely to influence, persuade or induce);

(c) As to Respondents BOHL, MOULTON and CANTRELL, under Section 10176(i) of the Code (any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing);

(d) As to Respondents BOHL, MOULTON and CANTRELL, under Section 10177(g) of the Code (demonstrated negligence or incompetence in performing an act for which he or she is required to hold a license);

(e) As to Respondents BOHL, MOULTON and CANTRELL, under Section 10177(j) of the Code (any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing);

(f) As to Respondent BOHL under Paragraphs 70 and 71, above, under Section 10137 of the Code (unlawful for real estate broker to employ or compensate any person for performing acts requiring a real estate license unless person is a licensed salesperson in the broker's employ or another licensed broker) in conjunction with and Section 10177(d) the Code (suspension or revocation of license for willful disregard or violation of the Real Estate Law, §§ 10000 et seq. and §§ 11000 et seq. of the Code, or of the Regulations);

(g) As to Respondent MOULTON as alleged in Paragraphs 70 and 71, above, under Section 10138 of the Code (commissioner may revoke or suspend licensee who compensates any person for performing acts requiring a real estate broker who is not licensed as a real estate broker);

(h) As to Respondent CANTRELL under Paragraphs 70 and 71, above, under Section 10137 of the Code (no real estate salesperson licensee shall be employed by or accept compensation from any person other than the broker under whom he is the time licensed) in conjunction with and Section 10177(d) the Code;

(i) As to Respondent BOHL under Paragraphs 701 and 71, above, under Section 10161.8(a) of the Code (whenever a real estate salesperson enters the employ of a real estate broker, the broker shall immediately notify the commissioner in writing) and Section 10165 of the Code (commissioner may suspend or revoke license of broker for violation of § 10161.8 of the Code) and/or all in conjunction with Section 10177(d) of the Code;

(j) As to Respondents BOHL, MOULTON, and CANTRELL, under Paragraph 75, above, under Sections 10085 and 10085.5 of the Code and Section 2970 of the Regulations, all in conjunction with Section 10177(d) of the Code; and,

(k) As to Respondent BOHL, under Paragraph 76, above, under Section 2715 of the Regulations in conjunction with Section 10177(d) of the Code and Section 10163 of the Code in conjunction with Section 10165 of the Code (violation of § 10163 of the Code is grounds for suspension or revocation of license) and/or all in conjunction with section 10177(d) of the Code.

NINTH CAUSE OF ACTION

78

There is hereby incorporated in this Ninth, separate and distinct, Cause of Action, all of the allegations contained in Paragraphs 1 through 77, inclusive, of the Accusation with the same force and effect as if herein fully set forth.

79

Within the three-year period prior to the filing of this Accusation, on or about July 24, 2008, Respondent GENIELLA met with borrowers Jeffrey and Judy Leonetti at said borrowers' residence located at 8441 Menke Way in Citrus Heights, California, for the purpose of soliciting said borrowers to perform services on their behalf and negotiating with said borrowers in connection with loans secured directly or collaterally by liens on said borrower s' real property identified as 8441 Menke Way in Citrus Heights, California.

80

Within the three-year period prior to the filing of this Accusation, on or about July 24, 2008, Respondent GENIELLA, at the direction of and/or as ratified by LRI, Respondent BOHL and Respondent MOULTON, represented to Jeffrey and Judy Leonetti, contrary to fact, as Respondents knew or should have known at the time through the exercise of reasonable diligence, that: 1.) Respondents would obtain a loan modification for the Leonettis; 2.) the principal balance on their loan would be lowered, the interest rate on their loan would be lowered, and the monthly payments due on their loan would be lowered; 3.) Respondents would contact the Leonettis' lender; 4.) a loan modification was guaranteed; 5.) Respondents would perform the work and negotiation necessary to obtain a loan modification; and, 6.) if a loan modification was not achieved, the fees the Leonettis paid for the service would be refunded.

81

The representations described in Paragraph 80, above, were false and misleading and were known by Respondents to be false and misleading when made and were directed to be made or ratified by LRI, Respondent BOHL and Respondent MOULTON with no reasonable grounds for believing said representations to be true, and/or said Respondents should have

known at the time through the exercise of reasonable diligence that such representations were false and misleading. In truth and in fact: 1.) there was no certainty that a loan modification could be achieved on behalf of the Leonettis; 2.) there was no certainty that the loan principal could be lowered; 3.) there was no certainty that the interest rate could be lowered; 4.) there was no certainty the monthly loan payments could be lowered; 5.) Respondents would not and did not negotiate with the Leonettis' lender; 6.) Respondents would not and did not submit anything to the Leonettis' lender; and, 7.) Respondents would not and did not provide a refund of the fees paid by the Leonettis for a loan modification.

82

The acts and omissions of Respondents BOHL, MOULTON, and GENIELLA described in Paragraphs 81, 82 and 83, above, constitute misrepresentation, fraud, deceit, and dishonest dealing.

83

Within the three period prior to the filing of this Accusation, on or about November 18, 2009, in connection with the real estate activities described in Paragraphs 79, 80 and 81, above, Respondent GENIELLA, at the direction of and/or as ratified by LRI, Respondent BOHL and Respondent MOULTON, claimed, demanded, charged, received, and collected advance fees totaling $2,500.00 from borrowers Jeffrey and Judy Leonetti, and provided to said borrowers a written contract for advance fees that had not been approved by the Department of Real Estate prior to use in violation of Sections 10085 and 10085.5 of the Code and Section 2970 of the Regulations for services Respondents were to perform thereafter in obtaining modifications of loans secured or to be secured directly or collaterally by liens on the borrowers' real property.

84

The facts alleged in Paragraphs 79, 80, 81, 82, and 83, above, are grounds for the suspension or revocation of the licenses and licensing rights of Respondents under the following provisions:

(a) As to Respondents BOHL, MOULTON, CLARK and GENIELLA under Sections 10176(a) of the Code (making a substantial misrepresentation);

(b) As to Respondents BOHL, MOULTON, CLARK and GENIELLA, under Section 10176(b) of the Code (making any false promises of a character likely to influence, persuade or induce);

(c) As to Respondents BOHL, MOULTON, CLARK and GENIELLA, under Section 10176(i) of the Code (any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing);

(d) As to Respondents BOHL, MOULTON, CLARK and GENIELLA, under Section 10177(g) of the Code (demonstrated negligence or incompetence in performing an act for which he or she is required to hold a license);

(e) As to Respondents BOHL, MOULTON, CLARK and GENIELLA, under

Section 10177(j) of the Code (any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing); and,

(g) As to Respondents BOHL, MOULTON, CLARK and GENIELLA, as alleged in Paragraph 83, above, under Sections 10085 and 10085.5 of the Code and Section 2970 of the Regulations, all in conjunction with Section 10177(d) of the Code.

TENTH CAUSE OF ACTION

85

There is hereby incorporated in this Tenth, separate and distinct, Cause of Action, all of the allegations contained in Paragraphs 1 through 84, inclusive, of the Accusation with the same force and effect as if herein fully set forth.

86

At all times herein mentioned Respondent BOHL was responsible, as the designated broker officer of LRI, for the supervision and control of the activities conducted on behalf of the corporation by its officers and employees and of the corporate activities requiring a real estate license. Respondent BOHL failed to exercise reasonable supervision and control over the loan services and mortgage brokering activities of LRI and its employees. In particular, Respondent BOHL participated in, permitted, ratified, acquiesced in, and/or caused the conduct described in the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth and Ninth Causes of Action, above, to occur, and failed to take reasonable steps to insure, including, but not limited to, the proper handling of trust funds, proper trust fund record keeping, review of trust fund records and accounts, review and approval and submission of Mortgage Lending Disclosure Statements, proper maintenance and retention of transactional records, proper employment of salesperson licensees, that unlicensed persons would not be employed to perform acts requiring a real estate license, prevention of misrepresentations and false statements, submission to the Department and obtain approval of advance fee contracts, performance of promised services, proper supervision of employees, and to insure the implementation of policies, rules, procedures, and systems to ensure the compliance of the corporation and its employees with the Real Estate Law (Business and Professions Code Sections 10000 et seq. and Sections 11000 et seq.) and the Commissioner's Regulations (Chapter 6, Title 10, California Code of Regulations).

87

The acts and/or omissions of Respondent BOHL as described in Paragraph 86, above, constitute grounds for the suspension or revocation of the licenses and license rights of Respondent BOHL under the provisions Section 10159.2 of the Code (designated broker/officer responsible for supervision and control of activities conducted on behalf of corporation by officers, licensed salespersons and employees to secure compliance with the Real Estate Law) and Section 2725 of the Regulations (broker shall exercise reasonable supervision over: licensed employees; establish policies and procedures for compliance with Real Estate Law; supervise

transactions requiring a real estate license; trust fund handling; etc.), all in conjunction with Section 10177(d) of the Code and/or of Section 10177(h) of the Code (suspension or revocation for broker or designated broker/officer who fails to exercise reasonable supervision of licensed employees or licensed activities of broker corporation).

DETERMINATION OF ISSUES

I

The acts and/or omissions of Respondent BOHL constitute grounds for the revocation or suspension of Respondent's licenses and/or license rights under the following provisions:

(a) As alleged in Paragraph 19, under Section 10145 of the Code (broker accepting funds belonging to others shall deposit such funds not immediately into hands of principal or into neutral escrow depository shall deposit into a trust account maintained by broker in a bank until disbursed in accordance with principal's instructions) in conjunction with Section 10177(d) of the Code (suspension or revocation of license for willful disregard or violation of the Real Estate Law, §§ 10000 et seq. and §§ 11000 et seq. of the Code, or of the Regulations);

(b) As alleged in Paragraph 20, under Section 2832.1 of the Regulations (requiring written consent of every principal whose funds in the account shall be obtained by broker prior to each disbursement if such reduces the balance of funds in account to an amount less than existing trust fund aggregate liability of broker to all owners of funds) in conjunction with Section 10177(d) of the Code;

(c) As alleged in Paragraphs 21, 22 and 23, under Section 2832 of the Regulations (requiring deposit of trust funds into neutral escrow depository or into trust fund account in bank in the name of broker as trustee . . .) in conjunction with Section 10177(d) of the Code;

(d) As alleged in Paragraph 24(a), under Section 2831.2 of the Regulations (maintain balance of all separate beneficiary and reconcile funds received with funds disbursed, etc.) in conjunction with Section 10177(d) of the Code;

(e) As alleged in Paragraph 24(b), under Section 10146 of the Code and Section 2972 of the Regulations all in conjunction with Section 10177(d) of the Code;

(f) As alleged in Paragraph 24(c), under Section 10176(e) of the Code;

(g) As alleged in Paragraphs 27, 28 and 29, above, under Sections 10085 and 10085.5 of the Code and Section 2970 of the Regulations in conjunction with Section 10177(d) of the Code (suspension or revocation of license for willful disregard or violation of the Real Estate Law, §§ 10000 et seq. and §§ 11000 et seq. of the Code, or of the Regulations);

(h) As alleged in Paragraphs 32 and 33, under the provisions of Section 10240 of the Code and/or Section 10148 of the Code, all in conjunction

with Section 10177(d) of the Code (suspension or revocation of license for willful disregard or violation of the Real Estate Law, §§ 10000 et seq. of the Code, or of the Regulations);

(i) As alleged in Paragraphs 32 and 33, under the provisions of Section 10177(g) of the Code (demonstrated negligence or incompetence in performing an act for which he or she is required to hold a license);

(j) As alleged in Paragraphs 36, 37, 38, 39, 40, 41, 42 and 43, above, under Sections 10176(a) of the Code (making a substantial misrepresentation);

(k) As alleged in Paragraphs 36, 37, 38, 39, 40, 41, 42 and 43, above, under Section 10176(b) of the Code (making any false promises of a character likely to influence, persuade or induce);

(l) As alleged in Paragraphs 36, 37, 38, 39, 40, 41, 42 and 43, above, under Section 10176(i) of the Code (any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing);

(m) As alleged in Paragraphs 36, 37, 38, 39, 40, 41, 42 and 43, above, under Section 10177(g) of the Code (demonstrated negligence or incompetence in performing an act for which he or she is required to hold a license);

(n) As alleged in Paragraphs 36, 37, 38, 39, 40, 41, 42 and 43, above, under Section 10177(j) of the Code (any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing);

(o) As alleged in Paragraph Paragraphs 36, 37, 39, and 41, under Section 10130 of the Code (unlawful any person to act as a real estate broker or salesperson without a real estate license from the department) and Section 10137 of the Code (unlawful for real estate broker to employ or compensate any person for performing acts requiring a real estate license unless person is a licensed salesperson in the broker's employ or is another licensed broker) in conjunction with and Section 10177(d) the Code (suspension or revocation of license for willful disregard or violation of the Real Estate Law, §§ 10000 et seq. of the Code, or of the Regulations);

(p) As alleged in Paragraphs 46, 47, 48, 49 and 50, above, under Sections 10176(a) of the Code (making a substantial misrepresentation);

(q) As alleged in Paragraphs 46, 47, 48, 49 and 50, above, under Section 10176(b) of the Code (making any false promises of a character likely to influence, persuade or induce);

(r) As alleged in Paragraphs 46, 47, 48, 49 and 50, above, under Section 10176(i) of the Code (any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing);

(s) As alleged in Paragraphs 46, 47, 48, 49 and 50, above, under Section 10177(g) of the Code (demonstrated negligence or incompetence in performing an act for which he or she is required to hold a license);

(t) As alleged in Paragraphs 46, 47, 48, 49 and 50, above, under Section 10177(j) of the Code (any other conduct, whether of the same or a

different character than specified in this section, which constitutes fraud or dishonest dealing);

(u) As alleged in Paragraphs 46 and 47, under Section 10137 of the Code (unlawful for real estate broker to employ or compensate any person for performing acts requiring a real estate license unless person is a licensed salesperson in the broker's employ or is another licensed broker) in conjunction with and Section 10177(d) the Code (suspension or revocation of license for willful disregard or violation of the Real Estate Law, §§ 10000 et seq. of the Code, or of the Regulations);

(v) As as alleged in Paragraphs 46 and 47, under Section 10161.8(a) of the Code (whenever a real estate salesperson enters the employ of a real estate broker, the broker shall immediately notify the commissioner in writing) and Section 10165 of the Code (commissioner may suspend or revoke license of broker for violation of § 10161.8 of the Code) and/or in conjunction with Section 10177(d) of the Code;

(w) As alleged in Paragraphs 54, 55, 56, 57, 58, and 59, above, under Sections 10176(a) of the Code (making a substantial misrepresentation);

(x) As alleged in Paragraphs 54, 55, 56, 57, 58, and 59, above, under Section 10176(b) of the Code (making any false promises of a character likely to influence, persuade or induce);

(y) As alleged in Paragraphs 54, 55, 56, 57, 58, and 59, above, under Section 10176(i) of the Code (any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing);

(z) As alleged in Paragraphs 54, 55, 56, 57, 58, and 59, above, under Section 10177(g) of the Code (demonstrated negligence or incompetence in performing an act for which he or she is required to hold a license);

(aa) As alleged in Paragraphs 54, 55, 56, 57, 58, and 59, above, under Section 10177(j) of the Code (any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing);

(bb) As alleged in Paragraphs 53, 54, 55, and 56, under Section 10130 of the Code (unlawful any person to act as a real estate broker or salesperson without a real estate license from the department) and Section 10137 of the Code (unlawful for real estate broker to employ or compensate any person for performing acts requiring a real estate license unless person is a licensed salesperson in the broker's employ or another licensed broker) in conjunction with and Section 10177(d) the Code (suspension or revocation of license for willful disregard or violation of the Real Estate Law, §§ 10000 et seq. of the Code, or of the Regulations);

(cc) As alleged in Paragraph 59, above, under Sections 10085 and 10085.5 of the Code and Section 2970 of the Regulations, all in conjunction with Section 10177(d) of the Code;

(dd) As alleged in Paragraphs 62, 63, 64, 65, 66, and 67, above, under Sections 10176(a) of the Code (making a substantial misrepresentation);

(ee) As to alleged in Paragraphs 62, 63, 64, 65, 66, and 67, above, under Section 10176(b) of the Code (making any false promises of a character likely to influence, persuade or induce);

(ff) As alleged in Paragraphs 62, 63, 64, 65, 66, and 67, above, under Section 10176(i) of the Code (any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing);

(gg) As alleged in Paragraphs 62, 63, 64, 65, 66, and 67, above, under Section 10177(g) of the Code (demonstrated negligence or incompetence in performing an act for which he or she is required to hold a license);

(hh) As alleged in Paragraphs 62, 63, 64, 65, 66, and 67, above, under Section 10177(j) of the Code (any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing);

(ii) As alleged in Paragraph 67, above, under Sections 10085 and 10085.5 of the Code and Section 2970 of the Regulations, all in conjunction with Section 10177(d) of the Code;

(jj) As alleged in Paragraphs 70, 71, 72, 73, 74, 75 and 76, above, under Sections 10176(a) of the Code (making a substantial misrepresentation);

(kk) As alleged in Paragraphs 70, 71, 72, 73, 74, 75 and 76, above, under Section 10176(b) of the Code (making any false promises of a character likely to influence, persuade or induce);

(ll) As alleged in Paragraphs 70, 71, 72, 73, 74, 75 and 76, above, under Section 10176(i) of the Code (any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing);

(mm) As alleged in Paragraphs 70, 71, 72, 73, 74, 75 and 76, above, under Section 10177(g) of the Code (demonstrated negligence or incompetence in performing an act for which he or she is required to hold a license);

(nn) As alleged in Paragraphs 70, 71, 72, 73, 74, 75 and 76, above, under Section 10177(j) of the Code (any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing);

(oo) As alleged under Paragraphs 70 and 71, above, under Section 10137 of the Code (unlawful for real estate broker to employ or compensate any person for performing acts requiring a real estate license unless person is a licensed salesperson in the broker's employ or another licensed broker) in conjunction with and Section 10177(d) the Code (suspension or revocation of license for willful disregard or violation of the Real Estate Law, §§ 10000 et seq. and §§ 11000 et seq. of the Code, or of the Regulations);

(pp) As alleged under Paragraphs 70 and 71, above, under Section 10161.8(a) of the Code (whenever a real estate salesperson enters the employ of a real estate broker, the broker shall immediately notify the commissioner in writing) and Section 10165 of the Code (commissioner may suspend or

revoke license of broker for violation of § 10161.8 of the Code) and/or all in conjunction with Section 10177(d) of the Code;

(qq) As alleged under Paragraph 75, above, under Sections 10085 and 10085.5 of the Code and Section 2970 of the Regulations, all in conjunction with Section 10177(d) of the Code;

(rr) As alleged under Paragraph 76, above, under Section 2715 of the Regulations in conjunction with Section 10177(d) of the Code and Section 10163 of the Code in conjunction with Section 10165 of the Code (violation of § 10163 of the Code is grounds for suspension or revocation of license) and/or all in conjunction with section 10177(d) of the Code;

(ss) As alleged in Paragraphs 79, 80, 81, 82, and 83, above, under Section 10176(a) of the Code (making a substantial misrepresentation);

(tt) As alleged in Paragraphs 79, 80, 81, 82, and 83, above, under Section 10176(b) of the Code (making any false promises of a character likely to influence, persuade or induce);

(uu) As alleged in Paragraphs 79, 80, 81, 82, and 83, above, under Section 10176(i) of the Code (any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing);

(vv) As alleged in Paragraphs 79, 80, 81, 82, and 83, above, under Section 10177(g) of the Code (demonstrated negligence or incompetence in performing an act for which he or she is required to hold a license);

(xx) As alleged in Paragraphs 79, 80, 81, 82, and 83, above, under Section 10177(j) of the Code (any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing);

(zz) As alleged in Paragraphs 79, 80, 81, 82, and 83, above, as alleged in Paragraph 83, above, under Sections 10085 and 10085.5 of the Code and Section 2970 of the Regulations, all in conjunction with Section 10177(d) of the Code; and,

(aaa) As alleged in Paragraph 86, above, under the provisions Section 10159.2 of the Code (designated broker/officer responsible for supervision and control of activities conducted on behalf of corporation by officers, licensed salespersons and employees to secure compliance with the Real Estate Law) and Section 2725 of the Regulations (broker shall exercise reasonable supervision over: licensed employees; establish policies and procedures for compliance with Real Estate Law; supervise transactions requiring a real estate license; trust fund handling; etc.), all in conjunction with Section 10177(d) of the Code and/or of Section 10177(h) of the Code (suspension or revocation for broker or designated broker/officer who fails to exercise reasonable supervision of licensed employees or licensed activities of broker corporation).

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

II

The acts and/or omissions of Respondent GUZMAN constitute grounds for the revocation or suspension of Respondent's licenses and/or license rights under the following provisions:

(a) As alleged in Paragraphs 46, 47, 48, 49 and 50, above, under Sections 10176(a) of the Code (making a substantial misrepresentation);

(b) As alleged in Paragraphs 46, 47, 48, 49 and 50, above, under Section 10176(b) of the Code (making any false promises of a character likely to influence, persuade or induce);

(c) As alleged in Paragraphs 46, 47, 48, 49 and 50, above, under Section 10176(i) of the Code (any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing);

(d) As alleged in Paragraphs 46, 47, 48, 49 and 50, above, under Section 10177(g) of the Code (demonstrated negligence or incompetence in performing an act for which he or she is required to hold a license);

(e) As alleged in Paragraphs 46, 47, 48, 49 and 50, above, under Section 10177(j) of the Code (any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing);

(f) As alleged in Paragraphs 46 and 47, under Section 10137 of the Code (no real estate salesperson licensee shall be employed by or accept compensation from any person other than the broker under whom he is at the time licensed) in conjunction with and Section 10177(d) the Code;

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

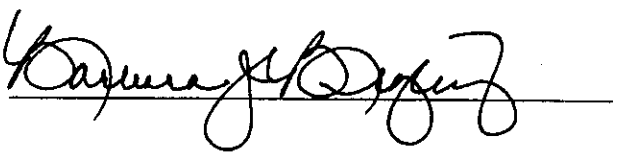
ORDER

All licenses and licensing rights of Respondents JOHN ALVIN BOHL, III, and CAESAR L. GUZMAN 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 20 2011.

DATED: 8/23/11.

BARBARA BIGBY
Acting Real Estate Commissioner



Department of Real Estate
P.O. Box 187007
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FILED
JUL 21 2011
DEPARTMENT OF REAL ESTATE
By

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of JOHN ALVIN BOHL, III, JASON KAHN MOULTON, CAESAR GUZMAN, BRETT CLARK, SCOTT CHRISTOPHER CHELINI, GARY D. CANTRELL, and SCOTT ANDREW GENIELLA, Respondents.	NO. H-5423 SAC DEFAULT ORDER

Respondent, JOHN ALVIN BOHL, III, having failed to file a Notice of Defense within the time required by Section 11506 of the Government Code, is now in default. It is, therefore, ordered that a default be entered on the record in this matter.

IT IS SO ORDERED July 21, 2011.

BARBARA BIGBY
Acting Real Estate Commissioner

By: PHILLIP IHDE
Regional Manager

Department of Real Estate
P.O. Box 187007
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Telephone: (916) 227-0789

FILED
JUL 21 2011
DEPARTMENT OF REAL ESTATE
By

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of JOHN ALVIN BOHL, III, JASON KAHN MOULTON, CAESAR L. GUZMAN, BRETT CLARK, SCOTT CHRISTOPHER CHELINI, GARY D. CANTRELL, and SCOTT ANDREW GENIELLA, Respondents.	NO. H-5423 SAC DEFAULT ORDER

Respondent, CAESAR L. GUZMAN, having failed to file a Notice of Defense within the time required by Section 11506 of the Government Code, is now in default. It is, therefore, ordered that a default be entered on the record in this matter.

IT IS SO ORDERED July 21, 2011.

BARBARA BIGBY
Acting Real Estate Commissioner

By:
PHILLIP IHDE
Regional Manager

PLAG

MICHAEL B. RICH, Counsel
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FILED
JUL 13 2010
DEPARTMENT OF REAL ESTATE
By

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of JOHN ALVIN BOHL, III, JASON KHAN MOULTON, CAESAR L. GUZMAN, BRETT CLARK, SCOTT CHRISTOPHER CHELINI, GARY D. CANTRELL, and SCOTT ANDREW GENIELLA, Respondents.	NO. H-5423 SAC ACCUSATION

The Complainant, TRICIA D. SOMMERS, a Deputy Real Estate Commissioner of the State of California, for Accusation against Respondent JOHN ALVIN BOHL, III, Respondent JASON KHAN MOULTON, Respondent CAESAR L. GUZMAN, Respondent BRETT CLARK, Respondent SCOTT CHRISTOPHER CHELINI, Respondent GARY D. CANTRELL, and Respondent SCOTT ANDREW GENIELLA, is informed and alleges as follows:

1

The Complainant, TRICIA D. SOMMERS, a Deputy Real Estate Commissioner of the State of California, makes this Accusation against Respondents in her official capacity.

///

2

Respondents JOHN ALVIN BOHL, III, JASON KAHN MOULTON, CAESAR L. GUZMAN, BRETT CLARK, SCOTT CHRISTOPHER CHELINI, GARY D. CANTRELL, and SCOTT ANDREW GENIELLA are presently licensed and/or have license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code (hereafter "the Code").

3

At all times herein mentioned LOAN REVIEW, INC., (hereinafter "LRI") was licensed by the Department of Real Estate (hereinafter "the Department") as a corporate real estate broker from September 19, 2006 through and until December 9, 2009. The corporate real estate broker license of LRI was voluntarily surrendered, effective December 10, 2009, in response to a Desist and Refrain Order issued and served by the Department upon LRI in Department Case No. H-5254 SAC.

4

At all times herein mentioned, Respondent JOHN ALVIN BOHL, III, (hereinafter "Respondent BOHL") was and is licensed by the Department as an individual real estate broker.

5

At all times herein mentioned, from August 19, 2005, through and until November 8, 2009, Respondent JASON KHAN MOULTON (hereinafter "Respondent MOULTON") was licensed by the Department as a real estate salesperson and, beginning November 9, 2009, was and is licensed by the Department as an individual real estate broker. At all times herein mentioned Respondent MOULTON, while licensed as a real estate salesperson, was so licensed in the employ of LRI from November 7, 2006, though and until March 15, 2009, and again from June 19, 2009, through and until August 5, 2009.

///

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6

At all times herein mentioned, Respondent CAESAR L. GUZMAN (hereinafter "Respondent GUZMAN") was and is licensed by the Department as a real estate salesperson. At all times herein mentioned, from May 11, 2000, though and until January 12, 2010, Respondent GUZMAN was licensed as a real estate salesperson in the employ of Davis & Davis Associates Ltd., an entity licensed by the Department as a corporate real estate broker. At no time herein mentioned was Respondent GUZMAN licensed in the employ of LRI or Respondent BOHL.

7

At all times herein mentioned, Respondent BRETT CLARK (hereinafter "Respondent CLARK") was licensed by the Department as a conditional real estate salesperson until said license was suspended pursuant to Section 10153.4 of the Code, effective January 10, 2009. At all times herein mentioned, from July 9, 2007, though and until January 9, 2009, Respondent CLARK was licensed as a conditional real estate salesperson in the employ of LRI.

8

At all times herein mentioned, Respondent SCOTT CHRISTOPHER CHELINI (hereinafter "Respondent CHELINI") was licensed by the Department as a conditional real estate salesperson until said license was suspended pursuant to Section 10153.4 of the Code effective May 11, 2009. At all times herein mentioned, from November 10, 2007, though and until May 10, 2009, Respondent CHELINI was licensed as a conditional real estate salesperson in the employ of LRI.

9

At all times herein mentioned, Respondent GARY D. CANTRELL (hereinafter "Respondent CANTRELL") was and is licensed by the Department as a real estate salesperson. At no time between December 29, 2006, through and until February 18, 2009 was Respondent CANTRELL licensed in the employ of any real estate broker. From February 19, 2009, through and until June 5, 2010, Respondent CANTRELL was licensed as a real estate salesperson in the

employ of Joel Eric Wright, an individual licensed by the Department as a real estate broker. At no time herein mentioned was Respondent CANTRELL licensed in the employ of LRI or Respondent BOHL.

10

At all times herein mentioned, Respondent SCOTT ANDREW GENIELLA (hereinafter "Respondent GENIELLA") was and is licensed by the Department as a real estate salesperson. At all times herein mentioned, from October 30, 2006, though and until March 2, 2009, Respondent GENIELLA was licensed as a real estate salesperson in the employ of LRI.

11

At all times herein mentioned, Respondent BOHL was licensed by the Department as the designated broker/officer of LRI from September 19, 2006, through and until December 9, 2009. As said designated broker/officer, Respondent BOHL was at all times mentioned herein responsible pursuant to Section 10159.2 and Section 10177(h) of the Code and Section 2725 of Chapter 6, Title 10, California Code of Regulations (hereinafter "the Regulations") for the supervision and control of the activities of the officers, agents, real estate licensees employed by, and other employees of LRI and of the activities of the corporation for which a real estate license is required.

12

At all times herein mentioned, Respondent MOULTON is and was the chief executive officer, agent for service of process, and majority stockholder of LRI, and, therefore, LRI was and is the alter ego of Respondent MOULTON, and whenever a reference is made to an act, omission or representation of LRI, such allegation shall be deemed to mean that Respondent MOULTON was so acting, failing to act, and/or speaking, or that such act, failure to act, and/or representation was done at the direction of or ratified by Respondent MOULTON.

13

At all times herein mentioned, Respondent BOHL is and was the secretary and chief financial officer and a principal stockholder of LRI, and, therefore, LRI was and is the alter

ego of Respondent BOHL, and whenever a reference is made to an act, omission or representation of LRI, such allegation shall be deemed to mean that Respondent BOHL was so acting, failing to act, and/or speaking, or that such act, failure to act, and/or representation was done at the direction of or ratified by Respondent BOHL.

14

Whenever reference is made in an allegation in this Accusation to an act or omission of LRI, such allegation shall be deemed to mean that the officers, directors, employees, agents and real estate licensees employed by or associated with LRI committed such act or omission while engaged in the furtherance of the business or operations of LRI and while acting within the course and scope of their corporate authority and employment.

15

At all times herein mentioned, Respondents, collectively and individually and each of them, engaged in the business of, acted in the capacity of, advertised, or assumed to act as a real estate broker within the State of California within the meaning of Section 10131(d) of the Code, including on behalf of others, for compensation or in expectation of compensation, solicited borrowers or lenders for or negotiated loans or collected payments or performed services for borrowers or lenders or note owners in connection with loans secured directly or collaterally by liens on real property or on a business opportunity.

FIRST CAUSE OF ACTION

16

There is hereby incorporated in this First, separate and distinct, Cause of Action, all of the allegations contained in Paragraphs 1 through 15, inclusive, of the Accusation with the same force and effect as if herein fully set forth.

17

Within the three-year period prior to the filing of this Accusation, in acting as a real estate broker as described in Paragraph 15, above, LRI, Respondent BOHL and Respondent MOULTON accepted or received funds in trust (hereinafter "trust funds") from or on behalf of

lenders, note owners, buyers, borrowers, and/or others in connection with the said mortgage activities and loan services for borrowers or lenders or note owners in connection with loans secured directly or collaterally by liens on real property.

18

Within the three-year period prior to the filing of this Accusation, in connection with the collection and disbursement of trust funds, the aforesaid trust funds accepted or received by LRI, Respondent BOHL and Respondent MOULTON, were deposited or caused to be deposited by said Respondents into bank accounts maintained by LRI as follows:

a.) At Bank of America, Sunset Park, P.O. Box 37176 San Francisco, California, Account No. 25175-69070, entitled "Loan Review, Inc. Trust Account" (hereinafter "Trust Account #1) with Respondent BOHL and Respondent MOULTON as the authorized signatories on said account; and,

b.) At Bank of America, Sunset Park, P.O. Box 37176 San Francisco, California, Account No. 01200-45474, entitled "Loan Review, Inc." (hereinafter "Account #2) with Respondent BOHL and Respondent MOULTON as the authorized signatories on said account.

19

In connection with the collection and disbursement of trust funds, as alleged in Paragraphs 17 and 18, above, LRI, Respondent BOHL and Respondent MOULTON failed to deposit and maintain the trust funds in a trust account or neutral escrow depository, or to deliver them into the hands of the owners of the funds, as required by Section 10145 of the Code, in such a manner that there was a trust fund shortage in Trust Account #1 in the approximate sum of $24,748.43 as of May 28, 2009.

20

Within the three-year period prior to the filing of this Accusation, in connection with the collection and disbursement of trust funds, as alleged in Paragraphs 17, 18 and 19,

above, LRI, Respondent BOHL and Respondent MOULTON failed to obtain the prior written consents of the principals for the reduction of the aggregate balance of trust funds in Trust Account #1 to an amount less than the existing aggregate trust fund liability to the owners of said funds as required by Section 2832.1 of the Regulations (requiring written consent of every principal whose funds in the account shall be obtained by broker prior to each disbursement if such reduces the balance of funds in account to an amount less than existing trust fund aggregate liability of broker to all owners of funds).

21

Within the three-year period prior to the filing of this Accusation, in connection with the real estate activities described in Paragraphs 15, 17 and 18, above, LRI, Respondent BOHL and Respondent MOULTON claimed, demanded, charged, received, collected, and provided a written contract for fees from borrowers for services Respondents were to perform thereafter in connection with loans secured or to be secured directly or collaterally by liens on the borrowers' real property.

22

The fee described in Paragraph 21, above, constituted an "advance fee" within the meaning of Section 10026 of the Code (advance fee is a fee collected, charged, demanded, claimed or received from a principal before fully completing every service licensee contracted to perform) and 10131.2 of the Code (broker is a person engaging in the business of claiming, demanding, charging, receiving, collecting or contracting for an advance fee in connection with employment to sell, lease, exchange real property, or to obtain a loan on real property). Said fee constituted trust funds within the meaning of Sections 10145 and 10146 of the Code (advance fees are trust funds and shall be deposited to a trust account.

23

Within the three-year period prior to the filing of this Accusation, LRI, Respondent BOHL and Respondent MOULTON deposited the trust fund advance fees set forth in Paragraphs 21 and 22, into Bank Account #2, which was not designated as a trust account in

the name of the broker as trustee as required by Section 2832 of the Regulations (requiring deposit of trust funds into neutral escrow depository or into trust fund account in a bank in the name of broker as trustee . . .).

24

Within the three-year period prior to the filing of this Accusation, in connection with the collection and disbursement of trust funds, as alleged in Paragraphs 17 through 22, inclusive, above, LRI, Respondent BOHL and Respondent MOULTON:

(a) Failed to perform, at least once a month, a reconciliation of all the separate beneficiary records with the control record, and/or failed to maintain a record of such reconciliations as required by Section 2831.2 of the Regulations (maintain balance of all separate beneficiary and reconcile funds received with funds disbursed, etc.) for Trust Account #1;

(b) Failed to provide to the borrowers a verified accounting of the advance fee trust funds disbursed as required by Section 10146 of the Code (each principal shall be furnished a verified accounting at end of each calendar quarter and when contract completely performed) and containing the information required by Section 2972 of the Regulations (verified accounting shall contain agent's name, principal's name, description of services rendered, identify trust account, advance free amount, fee allocated to services performed, commissions paid, overhead and profit); and,

(c) Deposited trust funds and funds belonging to LRI, Respondent BOHL and Respondent MOULTON into Bank Account #2 in violation of Section 10176(e) of the Code (commingling with his or her own money or property the money or other property of others which is received and held by him or her).

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The acts and/or omissions of Respondents BOHL and MOULTON as alleged above constitute cause for the suspension or revocation of the licenses and license rights of Respondents under the following provisions:

(a) As alleged in Paragraph 19, under Section 10145 of the Code (broker accepting funds belonging to others shall deposit such funds not immediately into hands of principal or into neutral escrow depository shall deposit into a trust account maintained by broker in a bank until disbursed in accordance with principal's instructions) in conjunction with Section 10177(d) of the Code (suspension or revocation of license for willful disregard or violation of the Real Estate Law, §§ 10000 et seq. and §§ 11000 et seq. of the Code, or of the Regulations);

(b) As alleged in Paragraph 20, under Section 2832.1 of the Regulations (requiring written consent of every principal whose funds in the account shall be obtained by broker prior to each disbursement if such reduces the balance of funds in account to an amount less than existing trust fund aggregate liability of broker to all owners of funds) in conjunction with Section 10177(d) of the Code;

(c) As alleged in Paragraphs 21, 22 and 23, under Section 2832 of the Regulations (requiring deposit of trust funds into neutral escrow depository or into trust fund account in bank in the name of broker as trustee . . .) in conjunction with Section 10177(d) of the Code;

(d) As alleged in Paragraph 24(a), under Section 2831.2 of the Regulations (maintain balance of all separate beneficiary and reconcile funds received with funds disbursed, etc.) in conjunction with Section 10177(d) of the Code;

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(e) As alleged in Paragraph 24(b), under Section 10146 of the Code and Section 2972 of the Regulations all in conjunction with Section 10177(d) of the Code;

(f) As alleged in Paragraph 24(c), under Section 10176(e) of the Code.

SECOND CAUSE OF ACTION

26

There is hereby incorporated in this Second, separate and distinct, Cause of Action, all of the allegations contained in Paragraphs 1 through 25, inclusive, of the Accusation with the same force and effect as if herein fully set forth.

27

Within the three-year period prior to the filing of this Accusation, in connection with the real estate activities described in Paragraphs 15, 21 and 22, above, LRI, Respondent BOHL and Respondent MOULTON claimed, demanded, charged, received, collected, and provided a written contract for advance fees from borrowers for services Respondents were to perform thereafter in obtaining modifications of loans secured or to be secured directly or collaterally by liens on the borrowers' real property including, but not limited to, the following transactions:

Borrower	**Property**	**Lender**	**Advance Fee Received**	**Date Received**
Brad Gibson June Gibson	488 Bevanda Ct. Oakdale, CA	Washington Mutual	$1,500.00	11/12/08
Brian Glasgow	8248 Auberry Dr. Sacramento, CA	Wachovia	$1,000.00	1/26/09

28

The fee described in Paragraph 27, above, constituted an "advance fee" within the meaning of Sections 10026 and 10131.2 of the Code. Said fee constituted trust funds within the meaning of Sections 10145 and 10146 of the Code.

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29

In connection with the collection, receipt, and handling of the advance fee as described in Paragraph 22, above, LRI, Respondent BOHL and Respondent MOULTON provided to the aforesaid borrowers an advance fee contract that had not been approved by the Department of Real Estate prior to use as required by Section 10085 of the Code (authorizing commissioner to require submission and approval of advance fee contract, materials and advertising prior to use), Section 10085.5 of the Code (unlawful to demand, charge, receive, collect or contract for advance fee for performing services for borrowers or lenders in connection with loans secured directly or collaterally by lien on real property unless licensed as a real estate broker) and Section 2970 of the Regulations (person proposing to collect advance fee shall submit all advance fee materials to commissioner not less than 10 days prior to use or publication).

30

The acts and/or omissions of Respondent BOHL and Respondent MOULTON described in Paragraphs 27, 28 and 29, above, are grounds for the suspension or revocation of the license and license rights of Respondent BOHL and Respondent MOULTON under Sections 10085 and 10085.5 of the Code and Section 2970 of the Regulations in conjunction with Section 10177(d) of the Code (suspension or revocation of license for willful disregard or violation of the Real Estate Law, §§ 10000 et seq. and §§ 11000 et seq. of the Code, or of the Regulations).

THIRD CAUSE OF ACTION

31

There is hereby incorporated in this Third, separate and distinct, Cause of Action, all of the allegations contained in Paragraphs 1 through 20, inclusive, of the Accusation with the same force and effect as if herein fully set forth.

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32

Within three years prior to the filing of this Accusation, and at all times herein mentioned, in the course and scope of soliciting borrowers and negotiating loans secured by real property as set forth in Paragraph 8, above, LRI, Respondent BOHL and Respondent MOULTON were required under Section 10240 of the Code to provide to borrowers a Mortgage Lender Disclosure Statement (hereinafter "MLDS") and/or a Good Faith Estimate (hereinafter "GFE") showing the name of the broker negotiating the loan, the broker license number, and/or showing the license number of the broker's representative, and as signed by the borrower, and containing a statement that the MLDS and/or GFE does not constitute a loan commitment, in conformance with and containing the information required by Section 10241 of the Code (requiring MLDS to disclose: all costs and expenses of loan; commissions, points and bonuses paid to broker; liens encumbering property; amounts to be paid by borrower to others; loan balance; funds due to borrower; principal; interest rate; balloon payments; name, address and license number of broker; inclusion of broker controlled funds; prepayment terms; etc.)

33

Within three years prior to the filing of this Accusation, and at all times herein mentioned, in the course and scope of soliciting borrowers and negotiating promissory notes secured by real property as set forth in Paragraph 15, above, LRI, Respondent BOHL and Respondent MOULTON failed to maintain and/or failed to provide to the borrower the MLDS and/or GFE as signed by borrower and/or containing all of the information required under Section 10240 of the Code in violation of Section 10240 of the Code (within 3 business days after receipt of written loan application or before borrower becomes obligated on the note, whichever is earlier, broker negotiating a loan secured by real property shall deliver to borrower as signed by borrower copy of the disclosure containing information required by section 10241 of the Code), and/or failed to maintain and make available to the Department's representative in violation of Section 10148 of the Code (broker shall retain for three years copies of all documents and records executed or obtained by broker in connection with any transaction

requiring a real estate license and shall make such available to the Commissioner's representative upon notice) a copy of the MLDS as signed by the borrower, in the following transactions:

Lenders	Amount Loaned	Date MLDS/GFE Prepared	Borrowers	Property Securing Loan
Wachovia Mortgage	$585,000	2/13/08	Ina Clayton Ena Paschall	5020 W. 58th Place Los Angeles, CA
1st Federal Bank	$640,000	3/21/08	William Papania Heather Abraham	32 Rudden Ave. San Francisco, CA

34

The acts and/or omissions of Respondent BOHL and Respondent MOULTON as alleged in Paragraphs 32 and 33, above, constitute cause for the suspension or revocation of the licenses and license rights of said Respondents under the following provisions:

(a) Under the provisions of Section 10240 of the Code and/or Section 10148 of the Code, all in conjunction with Section 10177(d) of the Code (suspension or revocation of license for willful disregard or violation of the Real Estate Law, §§ 10000 et seq. of the Code, or of the Regulations); and/or,

(b) Under the provisions of Section 10177(g) of the Code (demonstrated negligence or incompetence in performing an act for which he or she is required to hold a license).

FOURTH CAUSE OF ACTION

35

There is hereby incorporated in this Fourth, separate and distinct, Cause of Action, all of the allegations contained in Paragraphs 1 through 34, inclusive, of the Accusation with the same force and effect as if herein fully set forth.

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36

Within the three-year period prior to the filing of this Accusation and at all times herein mentioned, LRI, Respondent BOHL and Respondent MOULTON employed Zachary Frank to perform and engage in the activities set forth in Paragraph 15, above, for which a real estate license is required.

37

At no time did the Department license Zachary Frank as either a real estate broker or as a real estate salesperson.

38

Within the three-year period prior to the filing of this Accusation, on or about November 6, 2008, Respondent BOHL represented to Brad Gibson, contrary to fact, as Respondent knew or should have known at the time through the exercise of reasonable diligence, that LRI, Respondent BOHL and Respondent MOULTON could modify Gibson's existing loan secured by a lien on the real property of Brad and June Gibson, identified as 488 Bevanda Court in Oakdale, California, could obtain a lower interest rate, and could eliminate from six to twelve monthly mortgage payments.

39

Within the three-year period prior to the filing of this Accusation, on or about November 7, 2008, Zachary Frank, at the direction of and/or as ratified by LRI, Respondent BOHL and Respondent MOULTON, represented to June Gibson, contrary to fact, as Respondents knew or should have known at the time through the exercise of reasonable diligence, that a loan modification would in fact be accomplished within four to six weeks or by January 1, 2009.

40

Within the three-year period prior to the filing of this Accusation, on or about November 11, 2008, Respondent CLARK, at the direction of and/or as ratified by LRI, Respondent BOHL and Respondent MOULTON, represented to Brad Gibson, contrary to fact,

as Respondents knew or should have known at the time through the exercise of reasonable diligence, that there was no risk because the advance fee collected was refundable, stating "if we don't get this done, we are not going to keep your money."

41

Within the three-year period prior to the filing of this Accusation, on or about November 12, 2008, Zachary Frank, at the direction of and/or as ratified by LRI, Respondent BOHL and Respondent MOULTON, represented to Brad and June Gibson, contrary to fact, as Respondents knew or should have known at the time through the exercise of reasonable diligence, that a hardship letter would be prepared and ready for their review the next day, and would be submitted to their lender.

42

The representations described in Paragraphs 38, 39, 40, and 41, above, were false and misleading and were known by Respondents to be false and misleading when made and were directed to be made or ratified by LRI, Respondent BOHL and Respondent MOULTON with no reasonable grounds for believing said representations to be true, and/or said Respondents should have known at the time through the exercise of reasonable diligence that such representations were false and misleading. In truth and in fact: 1.) there was no certainty that a loan modification could be achieved on behalf of Brad and June Gibson; 2.) there was no certainty that the interest rate could be lowered; 3.) there was no certainty that any monthly loan payments could be eliminated; 4.) a loan modification would not be accomplished; 5.) Respondents would not and did not negotiate with the Gibsons' lender; 6.) Respondents would not and did not submit anything to the Gibsons' lender; and, 7.) no hardship letter was prepared and was not available for the Gibsons' approval on November 13, 2008.

43

The acts and omissions of Respondents BOHL, MOULTON and CLARK described in Paragraphs 38, 39, 40, and 41, above, constitute misrepresentation, fraud, deceit, and dishonest dealing.

The facts alleged in Paragraphs 36, 37, 38, 39, 40, 41, 42 and 43 above, are grounds for the suspension or revocation of the licenses and licensing rights of Respondents under the following provisions:

(a) As to Respondents BOHL, MOULTON and CLARK, under Sections 10176(a) of the Code (making a substantial misrepresentation);

(b) As to Respondents BOHL, MOULTON and CLARK, under Section 10176(b) of the Code (making any false promises of a character likely to influence, persuade or induce);

(c) As to Respondents BOHL, MOULTON and CLARK, under Section 10176(i) of the Code (any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing);

(d) As to Respondents BOHL, MOULTON and CLARK, under Section 10177(g) of the Code (demonstrated negligence or incompetence in performing an act for which he or she is required to hold a license);

(e) As to Respondents BOHL, MOULTON and CLARK, under Section 10177(j) of the Code (any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing);

(f) As to Respondent BOHL, as alleged in Paragraph Paragraphs 36, 37, 39, and 41, under Section 10130 of the Code (unlawful any person to act as a real estate broker or salesperson without a real estate license from the department) and Section 10137 of the Code (unlawful for real estate broker to employ or compensate any person for performing acts requiring a real estate license unless person is a licensed salesperson in the broker's employ or is another licensed broker) in conjunction with Section

10177(d) the Code (suspension or revocation of license for willful disregard or violation of the Real Estate Law, §§ 10000 et seq. of the Code, or of the Regulations); and,

(g) As to Respondent MOULTON as alleged in Paragraphs 36, 37, 39, and 41, under Section 10130 of the Code (unlawful for any person to act as a real estate broker or salesperson without a real estate license from the department) and Section 10138 of the Code (commissioner may revoke or suspend licensee who compensates any person for performing acts requiring a real estate broker license who is not licensed as a real estate broker).

FIFTH CAUSE OF ACTION

45

There is hereby incorporated in this Fifth, separate and distinct, Cause of Action, all of the allegations contained in Paragraphs 1 through 44, inclusive, of the Accusation with the same force and effect as if herein fully set forth.

46

Within the three-year period prior to the filing of this Accusation and at all times herein mentioned, LRI, Respondent BOHL and Respondent MOULTON employed Respondent GUZMAN to perform and engage in the activities set forth in Paragraph 15, above.

47

Within the three-year period prior to the filing of this Accusation, on or about January 26, 2009, Respondent GUZMAN met with borrower Abel Perez at the offices of LRI, Respondent BOHL and Respondent MOULTON, located at 1011 Sunset Boulevard, Suite 116, in Rocklin, California, for the purpose of soliciting to perform services on behalf of said borrower and negotiating with said borrower in connection with loans secured directly or collaterally by liens on said borrower's real property identified as 4186 N. Katy Avenue in Fresno, California.

48

Within the three-year period prior to the filing of this Accusation, on or about January 26, 2009, Respondent GUZMAN, at the direction of and/or as ratified by LRI, Respondent BOHL and Respondent MOULTON, represented to Abel Perez, contrary to fact, as Respondents knew or should have known at the time through the exercise of reasonable diligence, that a loan modification could be accomplished resulting in a lowering of the monthly payments due on the loan secured by Abel Perez' 4186 N. Katy Avenue property.

49

The representations described in Paragraph 48, above, were false and misleading and were known by Respondents to be false and misleading when made and were directed to be made or ratified by LRI, Respondent BOHL and Respondent MOULTON with no reasonable grounds for believing said representations to be true, and/or said Respondents should have known at the time through the exercise of reasonable diligence that such representations were false and misleading. In truth and in fact: 1.) there was no certainty that a loan modification could be achieved on behalf of Abel Perez; 2.) there was no certainty that the monthly loan payments could be lowered; 3.) a loan modification would not be accomplished; 4.) Respondents would not and did not negotiate with Abel Perez' lender; and, 5.) Respondents would not and did not submit anything to the Abel Perez' lender.

50

The acts and omissions of Respondents BOHL, MOULTON and GUZMAN described in Paragraphs 48 and 49, above, constitute misrepresentation, fraud, deceit, and dishonest dealing.

51

The facts alleged in Paragraphs 46, 47, 48, 49 and 50 above, are grounds for the suspension or revocation of the licenses and licensing rights of Respondents under the following provisions:

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(a) As to Respondents BOHL, MOULTON and GUZMAN, under Sections 10176(a) of the Code (making a substantial misrepresentation);

(b) As to Respondents BOHL, MOULTON and GUZMAN, under Section 10176(b) of the Code (making any false promises of a character likely to influence, persuade or induce);

(c) As to Respondents BOHL, MOULTON and GUZMAN, under Section 10176(i) of the Code (any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing);

(d) As to Respondents BOHL, MOULTON and GUZMAN, under Section 10177(g) of the Code (demonstrated negligence or incompetence in performing an act for which he or she is required to hold a license);

(e) As to Respondents BOHL, MOULTON and GUZMAN, under Section 10177(j) of the Code (any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing);

(f) As to Respondent BOHL as alleged in Paragraphs 46 and 47, under Section 10137 of the Code (unlawful for real estate broker to employ or compensate any person for performing acts requiring a real estate license unless person is a licensed salesperson in the broker's employ or is another licensed broker) in conjunction with Section 10177(d) the Code (suspension or revocation of license for willful disregard or violation of the Real Estate Law, §§ 10000 et seq. of the Code, or of the Regulations);

(g) As to Respondent MOULTON as alleged in Paragraphs 46 and 47, under Section 10138 of the Code (commissioner may revoke or suspend

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licensee who compensates any person for performing acts requiring a real estate broker who is not licensed as a real estate broker);

(h) As to Respondent GUZMAN as alleged in Paragraphs 46 and 47, under Section 10137 of the Code (no real estate salesperson licensee shall be employed by or accept compensation from any person other than the broker under whom he is at the time licensed) in conjunction with Section 10177(d) the Code; and,

(i) As to Respondent BOHL as alleged in Paragraphs 46 and 47, under Section 10161.8(a) of the Code (whenever a real estate salesperson enters the employ of a real estate broker, the broker shall immediately notify the commissioner in writing) and Section 10165 of the Code (commissioner may suspend or revoke license of broker for violation of § 10161.8 of the Code) and/or in conjunction with Section 10177(d) of the Code.

SIXTH CAUSE OF ACTION

52

There is hereby incorporated in this Sixth, separate and distinct, Cause of Action, all of the allegations contained in Paragraphs 1 through 51, inclusive, of the Accusation with the same force and effect as if herein fully set forth.

53

Within the three-year period prior to the filing of this Accusation and at all times herein mentioned, LRI, Respondent BOHL and Respondent MOULTON employed Cory Thouren to perform and engage in the activities set forth in Paragraph 15, above, for which a real estate license is required.

54

At no time did the Department license Cory Thouren as either a real estate broker or as a real estate salesperson.

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55

Within the three-year period prior to the filing of this Accusation, on or about January 26, 2009, Cory Thouren, at the direction of and/or as ratified by LRI, Respondent BOHL and Respondent MOULTON, met with borrower Brian Glasgow at the offices of LRI, Respondent BOHL and Respondent MOULTON, located at 1011 Sunset Boulevard, Suite 116, in Rocklin, California, for the purpose of soliciting to perform services on behalf of Brian Glasgow and negotiating with said borrower in connection with loans secured directly or collaterally by liens on said borrower's real property identified as 8248 Auberry Drive in Sacramento, California.

56

Within the three-year period prior to the filing of this Accusation, on or about January 26, 2009, Cory Thouren, at the direction of and/or as ratified by LRI, Respondent BOHL and Respondent MOULTON, represented to Brian Glasgow, contrary to fact, as Respondents knew or should have known at the time through the exercise of reasonable diligence, that: 1.) LRI would negotiate a loan modification; 2.) LRI will negotiate with Brian Glasgow's lender; and, 3.) recommended that the lender would more likely agree to a loan modification if the borrower stopped making the monthly loan payments.

57

The representations described in Paragraph 56, above, were false and misleading and were known by Respondents to be false and misleading when made and were directed to be made or ratified by LRI, Respondent BOHL and Respondent MOULTON with no reasonable grounds for believing said representations to be true, and/or said Respondents should have known at the time through the exercise of reasonable diligence that such representations were false and misleading. In truth and in fact: 1.) there was no certainty that a loan modification could be achieved on behalf of Brian Glasgow; 2.) terminating the monthly loan payments would subject the borrower to risk of losing the property though foreclosure or a trustee's sale

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under the deed of trust; 3.) Respondents would not and did not negotiate with Glasgow's lender; and, 4.) Respondents would not and did not submit anything to Glasgow's lender.

58

The acts and omissions of Respondents BOHL and MOULTON described in Paragraphs 56 and 57, above, constitute misrepresentation, fraud, deceit, and dishonest dealing.

59

Within the three-year period prior to the filing of this Accusation, in connection with the real estate activities described in Paragraphs 57 and 58, above, at the direction of and/or as ratified by LRI, Respondent BOHL and Respondent MOULTON, Cory Thouren claimed, demanded, charged, received, and collected advance fees totaling $2,000.00 from borrower Brian Glasgow and provided to said borrower a written contract for advance fees that had not been approved by the Department of Real Estate prior to use in violation of Sections 10085 and 10085.5 of the Code and Section 2970 of the Regulations for services Respondents were to perform thereafter in obtaining modifications of loans secured or to be secured directly or collaterally by liens on the borrowers' real property.

60

The facts alleged in Paragraphs 54, 55, 56, 57, 58, and 59, above, are grounds for the suspension or revocation of the licenses and licensing rights of Respondents under the following provisions:

(a) As to Respondents BOHL and MOULTON, under Sections 10176(a) of the Code (making a substantial misrepresentation);

(b) As to Respondents BOHL and MOULTON, under Section 10176(b) of the Code (making any false promises of a character likely to influence, persuade or induce);

(c) As to Respondents BOHL and MOULTON, under Section 10176(i) of the Code (any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing);

(d) As to Respondents BOHL and MOULTON, under Section 10177(g) of the Code (demonstrated negligence or incompetence in performing an act for which he or she is required to hold a license);

(e) As to Respondents BOHL and MOULTON, under Section 10177(j) of the Code (any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing);

(f) As to Respondent BOHL as alleged in Paragraphs 53, 54, 55, and 56, under Section 10130 of the Code (unlawful any person to act as a real estate broker or salesperson without a real estate license from the department) and Section 10137 of the Code (unlawful for real estate broker to employ or compensate any person for performing acts requiring a real estate license unless person is a licensed salesperson in the broker's employ or another licensed broker) in conjunction with Section 10177(d) the Code (suspension or revocation of license for willful disregard or violation of the Real Estate Law, §§ 10000 et seq. of the Code, or of the Regulations);

(g) As to Respondent MOULTON as alleged in Paragraphs 53, 54, 55, and 56, under Section 10130 of the Code (unlawful for any person to act as a real estate broker or salesperson without a real estate license from the department) and Section 10138 of the Code (commissioner may revoke or suspend licensee who compensates any person for performing acts requiring a real estate broker license who is not licensed as a real estate broker); and,

(h) As to Respondents BOHL and MOULTON, as alleged in Paragraph 59, above, under Sections 10085 and 10085.5 of the Code and Section 2970 of the Regulations, all in conjunction with Section 10177(d) of the Code.

SEVENTH CAUSE OF ACTION

61

There is hereby incorporated in this Seventh, separate and distinct, Cause of Action, all of the allegations contained in Paragraphs 1 through 60, inclusive, of the Accusation with the same force and effect as if herein fully set forth.

62

Within the three-year period prior to the filing of this Accusation, in or about November 2008, LRI, Respondent BOHL and Respondent MOULTON, by letter, solicited Jay Dyer to perform services on behalf of said borrower in connection with loans secured directly or collaterally by liens on said borrower's real property identified as 7631 Mariposa Avenue in Citrus Heights, California. The aforesaid letter stated that Jay Dyer: 1.) qualified for a loan modification; 2.) was eligible to have his loan "re-negotiated by our professionals to reduce" his monthly payment; 3.) was eligible to have the principle balance of his loan reduced by "shaving thousands off your loan;" and, 4.) was eligible to have his monthly loan payments deferred "for up to six months."

63

Within the three-year period prior to the filing of this Accusation, on or about November 18, 2008, Respondent CLARK and Respondent CHELINI met with borrowers Jay and Sue Dyer at the offices of LRI, Respondent BOHL and Respondent MOULTON, located at 1011 Sunset Boulevard, Suite 116, in Rocklin, California, for the purpose of soliciting said borrowers to perform services on their behalf and negotiating with said borrowers in connection with loans secured directly or collaterally by liens on said borrower s' real property identified as 7631 Mariposa Avenue in Citrus Heights, California.

64

Within the three-year period prior to the filing of this Accusation, on or about November 18, 2009, Respondent CLARK and Respondent CHELINI, and each of them, at the direction of and/or as ratified by LRI, Respondent BOHL and Respondent MOULTON,

represented to Jay and Sue Dyer, contrary to fact, as Respondents knew or should have known at the time through the exercise of reasonable diligence, that: 1.) Respondents would obtain a loan modification for the Dyers; 2.) Respondents would contact the Dyers' lender; 3.) Respondents had a 95% success rate in obtaining loan modifications; 4.) Respondents CLARK and CHELINI would perform the loan modification and negotiation work to obtain a loan modification; and, 5.) Respondents personally guaranteed that a loan modification would be achieved.

65

The representations described in Paragraphs 62 and 64, above, were false and misleading and were known by Respondents to be false and misleading when made and were directed to be made or ratified by LRI, Respondent BOHL and Respondent MOULTON with no reasonable grounds for believing said representations to be true, and/or said Respondents should have known at the time through the exercise of reasonable diligence that such representations were false and misleading. In truth and in fact: 1.) there was no certainty that a loan modification could be achieved on behalf of the Dyers; 2.) there was no certainty that the monthly loan payments could be lowered; 3.) there was no certainty that any loan payments would be deferred; 4.) there was no certainty a loan modification would be accomplished; 5.) the Dyers' did not unconditionally qualify for a loan modification; 5.) Respondents would not and did not negotiate with the Dyers' lender; 6.) Respondents would not and did not submit anything to the Dyers' lender; and, 7.) Respondents would not and did not provide a full refund of the fees paid by the Dyers for a loan modification.

66

The acts and omissions of Respondents BOHL, MOULTON, CLARK and CHELINI described in Paragraphs 62, 63 and 64, above, constitute misrepresentation, fraud, deceit, and dishonest dealing.

67

Within the three-year period prior to the filing of this Accusation, on or about November 18, 2009, in connection with the real estate activities described in Paragraphs 62, 63

and 64, above, Respondent CLARK and Respondent CHELINI, and each of them, at the direction of and/or as ratified by LRI, Respondent BOHL and Respondent MOULTON, claimed, demanded, charged, received, and collected advance fees totaling $1,500.00 from borrowers Jay and Sue Dyer and provided to said borrowers a written contract for advance fees that had not been approved by the Department of Real Estate prior to use in violation of Sections 10085 and 10085.5 of the Code and Section 2970 of the Regulations for services Respondents were to perform thereafter in obtaining modifications of loans secured or to be secured directly or collaterally by liens on the borrowers' real property.

68

The facts alleged in Paragraphs 62, 63, 64, 65, 66, and 67, above, are grounds for the suspension or revocation of the licenses and licensing rights of Respondents under the following provisions:

(a) As to Respondents BOHL, MOULTON, CLARK and CHELINI under Sections 10176(a) of the Code (making a substantial misrepresentation);

(b) As to Respondents BOHL, MOULTON, CLARK and CHELINI, under Section 10176(b) of the Code (making any false promises of a character likely to influence, persuade or induce);

(c) As to Respondents BOHL, MOULTON, CLARK and CHELINI, under Section 10176(i) of the Code (any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing);

(d) As to Respondents BOHL, MOULTON, CLARK and CHELINI, under Section 10177(g) of the Code (demonstrated negligence or incompetence in performing an act for which he or she is required to hold a license);

(e) As to Respondents BOHL, MOULTON, CLARK and CHELINI, under Section 10177(j) of the Code (any other conduct, whether of the same or

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a different character than specified in this section, which constitutes fraud or dishonest dealing); and,

(g) As to Respondents BOHL, MOULTON, CLARK and CHELINI, as alleged in Paragraph 67, above, under Sections 10085 and 10085.5 of the Code and Section 2970 of the Regulations, all in conjunction with Section 10177(d) of the Code.

EIGHTH CAUSE OF ACTION

69

There is hereby incorporated in this Eighth, separate and distinct, Cause of Action, all of the allegations contained in Paragraphs 1 through 68, inclusive, of the Accusation with the same force and effect as if herein fully set forth.

70

Within the three year period prior to the filing of this Accusation and at all times herein mentioned, LRI, Respondent BOHL and Respondent MOULTON employed Respondent CANTRELL to perform and engage in the activities set forth in Paragraph 15, above.

71

Within the three-year period prior to the filing of this Accusation, on or about October 18, 2008, Respondent CANTRELL, at the direction of and/or as ratified by LRI, Respondent BOHL and Respondent MOULTON, met with borrower Victor Spradley at the offices of Respondent CANTRELL, located at 1380 Lead Hill Boulevard, Suite 160, in Roseville, California, for the purpose of soliciting Victor Spradley to perform services on behalf of said borrower and negotiating with said borrower in connection with loans secured directly or collaterally by liens on said borrower's real properties identified as 6831 Florabelle Avenue in Citrus Heights, California, and 6224 Greentop Way in Orangevale, California.

72

Within the three-year period prior to the filing of this Accusation, on or about October 18, 2009, Respondent CANTRELL, at the direction of and/or as ratified by LRI,

Respondent BOHL and Respondent MOULTON, represented to Victor Spradley, contrary to fact, as Respondents knew or should have known at the time through the exercise of reasonable diligence, that: 1.) a loan modification could be accomplished resulting in a lowering of the monthly payments, a lowering of the interest rate, reduction of principal balance, and/or conversion to a fixed rate on the loans secured by Victor Spradley's real properties; 2.) Respondents would negotiate on behalf of, and would obtain a loan modification for Victor Spradley; 3.) Respondents had a 97% success rate in obtaining loan modifications; and, 4.) that there was a money back guarantee.

73

The representations described in Paragraph 72, above, were false and misleading and were known by Respondents to be false and misleading when made and were directed to be made or ratified by LRI, Respondent BOHL and Respondent MOULTON with no reasonable grounds for believing said representations to be true, and/or said Respondents should have known at the time through the exercise of reasonable diligence that such representations were false and misleading. In truth and in fact: 1.) there was no certainty that a loan modification could be achieved on behalf of Victor Spradley; 2.) there was no certainty that the monthly loan payments, principal balance, or interest rate could be lowered or that the loans could be converted to a fixed rate; 3.) a loan modification would not be accomplished; 4.) Respondents would not and did not negotiate with Victor Spradley's lenders; 5.) Respondents would not and did not submit anything to Victor Spradley's lenders; and, 6.) Respondents would not and did not refund the fees paid by Victor Spradley for loan modification services.

74

The acts and omissions of Respondents BOHL, MOULTON and CANTRELL described in Paragraphs 72 and 73, above, constitute misrepresentation, fraud, deceit, and dishonest dealing.

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75

Within the three-year period prior to the filing of this Accusation, in connection with the real estate activities described in Paragraphs 71, 72, and 73, above, Respondent CANTRELL, at the direction of and/or as ratified by LRI, Respondent BOHL and Respondent MOULTON, claimed, demanded, charged, received, and collected advance fees totaling $6,000.00 from borrower Victor Spradley and provided to said borrower a written contract for advance fees that had not been approved by the Department of Real Estate prior to use as in violation of Sections 10085 and 10085.5 of the Code and Section 2970 of the Regulations for services Respondents were to perform thereafter in obtaining modifications of loans secured or to be secured directly or collaterally by liens on the borrowers' real property.

76

Within the three year period prior to the filing of this Accusation, LRI and Respondent BOHL maintained more than one place of business and failed to apply for and procure an additional license for the branch office Respondents maintained, as set forth in Paragraph 71, above, at 1380 Lead Hill Boulevard, Suite 160, in Roseville, California, in violation of Section 2715 of the Regulations (every broker not acting in the capacity of a salesperson to another broker shall maintain on file with commissioner the address of each branch office) and Section 10163 of the Code (broker maintaining more than one place of business shall apply for and procure additional license for each branch).

77

The facts alleged in Paragraphs 70, 71, 72, 73, 74, 75 and 76, above, are grounds for the suspension or revocation of the licenses and licensing rights of Respondents under the following provisions:

(a) As to Respondents BOHL, MOULTON and CANTRELL, under Section 10176(a) of the Code (making a substantial misrepresentation);

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(b) As to Respondents BOHL, MOULTON and CANTRELL, under Section 10176(b) of the Code (making any false promises of a character likely to influence, persuade or induce);

(c) As to Respondents BOHL, MOULTON and CANTRELL, under Section 10176(i) of the Code (any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing);

(d) As to Respondents BOHL, MOULTON and CANTRELL, under Section 10177(g) of the Code (demonstrated negligence or incompetence in performing an act for which he or she is required to hold a license);

(e) As to Respondents BOHL, MOULTON and CANTRELL, under Section 10177(j) of the Code (any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing);

(f) As to Respondent BOHL under Paragraphs 70 and 71, above, under Section 10137 of the Code (unlawful for real estate broker to employ or compensate any person for performing acts requiring a real estate license unless person is a licensed salesperson in the broker's employ or another licensed broker) in conjunction with Section 10177(d) the Code (suspension or revocation of license for willful disregard or violation of the Real Estate Law, §§ 10000 et seq. and §§ 11000 et seq. of the Code, or of the Regulations);

(g) As to Respondent MOULTON as alleged in Paragraphs 70 and 71, above, under Section 10138 of the Code (commissioner may revoke or suspend licensee who compensates any person for performing acts requiring a real estate broker who is not licensed as a real estate broker);

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(h) As to Respondent CANTRELL under Paragraphs 70 and 71, above, under Section 10137 of the Code (no real estate salesperson licensee shall be employed by or accept compensation from any person other than the broker under whom he is the time licensed) in conjunction with Section 10177(d) the Code;

(i) As to Respondent BOHL under Paragraphs 70 and 71, above, under Section 10161.8(a) of the Code (whenever a real estate salesperson enters the employ of a real estate broker, the broker shall immediately notify the commissioner in writing) and Section 10165 of the Code (commissioner may suspend or revoke license of broker for violation of § 10161.8 of the Code) and/or all in conjunction with Section 10177(d) of the Code;

(j) As to Respondents BOHL, MOULTON, and CANTRELL, under Paragraph 75, above, under Sections 10085 and 10085.5 of the Code and Section 2970 of the Regulations, all in conjunction with Section 10177(d) of the Code; and,

(k) As to Respondent BOHL, under Paragraph 76, above, under Section 2715 of the Regulations in conjunction with Section 10177(d) of the Code and Section 10163 of the Code in conjunction with Section 10165 of the Code (violation of § 10163 of the Code is grounds for suspension or revocation of license) and/or all in conjunction with Section 10177(d) of the Code.

NINTH CAUSE OF ACTION

78

There is hereby incorporated in this Ninth, separate and distinct, Cause of Action, all of the allegations contained in Paragraphs 1 through 77, inclusive, of the Accusation with the same force and effect as if herein fully set forth.

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79

Within the three-year period prior to the filing of this Accusation, on or about July 24, 2008, Respondent GENIELLA met with borrowers Jeffrey and Judy Leonetti at said borrowers' residence located at 8441 Menke Way in Citrus Heights, California, for the purpose of soliciting said borrowers to perform services on their behalf and negotiating with said borrowers in connection with loans secured directly or collaterally by liens on said borrowers' real property identified as 8441 Menke Way in Citrus Heights, California.

80

Within the three-year period prior to the filing of this Accusation, on or about July 24, 2008, Respondent GENIELLA, at the direction of and/or as ratified by LRI, Respondent BOHL and Respondent MOULTON, represented to Jeffrey and Judy Leonetti, contrary to fact, as Respondents knew or should have known at the time through the exercise of reasonable diligence, that: 1.) Respondents would obtain a loan modification for the Leonettis; 2.) the principal balance on their loan would be lowered, the interest rate on their loan would be lowered, and the monthly payments due on their loan would be lowered; 3.) Respondents would contact the Leonettis' lender; 4.) a loan modification was guaranteed; 5.) Respondents would perform the work and negotiation necessary to obtain a loan modification; and, 6.) if a loan modification was not achieved, the fees the Leonettis paid for the service would be refunded.

81

The representations described in Paragraph 80, above, were false and misleading and were known by Respondents to be false and misleading when made and were directed to be made or ratified by LRI, Respondent BOHL and Respondent MOULTON with no reasonable grounds for believing said representations to be true, and/or said Respondents should have known at the time through the exercise of reasonable diligence that such representations were false and misleading. In truth and in fact: 1.) there was no certainty that a loan modification could be achieved on behalf of the Leonettis; 2.) there was no certainty that the loan principal could be lowered; 3.) there was no certainty that the interest rate could be lowered; 4.) there was

no certainty the monthly loan payments could be lowered; 5.) Respondents would not and did not negotiate with the Leonettis' lender; 6.) Respondents would not and did not submit anything to the Leonettis' lender; and, 7.) Respondents would not and did not provide a refund of the fees paid by the Leonettis for a loan modification.

82

The acts and omissions of Respondents BOHL, MOULTON, and GENIELLA described in Paragraphs 81, 82 and 83, above, constitute misrepresentation, fraud, deceit, and dishonest dealing.

83

Within the three-year period prior to the filing of this Accusation, on or about November 18, 2009, in connection with the real estate activities described in Paragraphs 79, 80 and 81, above, Respondent GENIELLA, at the direction of and/or as ratified by LRI, Respondent BOHL and Respondent MOULTON, claimed, demanded, charged, received, and collected advance fees totaling $2,500.00 from borrowers Jeffrey and Judy Leonetti, and provided to said borrowers a written contract for advance fees that had not been approved by the Department of Real Estate prior to use in violation of Sections 10085 and 10085.5 of the Code and Section 2970 of the Regulations for services Respondents were to perform thereafter in obtaining modifications of loans secured or to be secured directly or collaterally by liens on the borrowers' real property.

84

The facts alleged in Paragraphs 79, 80, 81, 82, and 83, above, are grounds for the suspension or revocation of the licenses and licensing rights of Respondents under the following provisions:

(a) As to Respondents BOHL, MOULTON, CLARK and GENIELLA under Sections 10176(a) of the Code (making a substantial misrepresentation);

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(b) As to Respondents BOHL, MOULTON, CLARK and GENIELLA, under Section 10176(b) of the Code (making any false promises of a character likely to influence, persuade or induce);

(c) As to Respondents BOHL, MOULTON, CLARK and GENIELLA, under Section 10176(i) of the Code (any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing);

(d) As to Respondents BOHL, MOULTON, CLARK and GENIELLA, under Section 10177(g) of the Code (demonstrated negligence or incompetence in performing an act for which he or she is required to hold a license);

(e) As to Respondents BOHL, MOULTON, CLARK and GENIELLA, under Section 10177(j) of the Code (any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing); and,

(g) As to Respondents BOHL, MOULTON, CLARK and GENIELLA, as alleged in Paragraph 83, above, under Sections 10085 and 10085.5 of the Code and Section 2970 of the Regulations, all in conjunction with Section 10177(d) of the Code.

TENTH CAUSE OF ACTION

85

There is hereby incorporated in this Tenth, separate and distinct, Cause of Action, all of the allegations contained in Paragraphs 1 through 84, inclusive, of the Accusation with the same force and effect as if herein fully set forth.

86

At all times herein mentioned, Respondent BOHL was responsible, as the designated broker officer of LRI, for the supervision and control of the activities conducted on behalf of the corporation by its officers and employees and of the corporate activities requiring a

real estate license. Respondent BOHL failed to exercise reasonable supervision and control over the loan services and mortgage brokering activities of LRI and its employees. In particular, Respondent BOHL participated in, permitted, ratified, acquiesced in, and/or caused the conduct described in the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth and Ninth Causes of Action, above, to occur, and failed to take reasonable steps to insure, including, but not limited to, the proper handling of trust funds, proper trust fund record keeping, review of trust fund records and accounts, review and approval and submission of Mortgage Lending Disclosure Statements, proper maintenance and retention of transactional records, proper employment of salesperson licensees, that unlicensed persons would not be employed to perform acts requiring a real estate license, prevention of misrepresentations and false statements, submission to the Department and obtain approval of advance fee contracts, performance of promised services, proper supervision of employees, and to insure the implementation of policies, rules, procedures, and systems to ensure the compliance of the corporation and its employees with the Real Estate Law (Business and Professions Code Sections 10000 et seq. and Sections 11000 et seq.) and the Commissioner's Regulations (Chapter 6, Title 10, California Code of Regulations).

87

The acts and/or omissions of Respondent BOHL as described in Paragraph 86, above, constitute grounds for the suspension or revocation of the licenses and license rights of Respondent BOHL under the provisions Section 10159.2 of the Code (designated broker/officer responsible for supervision and control of activities conducted on behalf of corporation by officers, licensed salespersons and employees to secure compliance with the Real Estate Law) and Section 2725 of the Regulations (broker shall exercise reasonable supervision over: licensed employees; establish policies and procedures for compliance with Real Estate Law; supervise transactions requiring a real estate license; trust fund handling; etc.), all in conjunction with Section 10177(d) of the Code and/or of Section 10177(h) of the Code (suspension or revocation for broker or designated broker/officer who fails to exercise reasonable supervision of licensed employees or licensed activities of broker corporation).

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, including the payment of restitution.

TRICIA D. SOMMERS
Deputy Real Estate Commissioner

Dated at Sacramento, California,
this 28th day of June, 2010.