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DEPARTMENT OF REAL ESTATE

By

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of ALICIA MARIE CONTE, Respondent.	No. H-9904 SF

ORDER GRANTING REINSTATEMENT OF LICENSE

On July 19, 2007, in Case No. H-9904 SF, a Decision was rendered revoking the real estate salesperson license of Respondent effective August 10, 2007, but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on August 10, 2007, and Respondent has operated as a restricted licensee since that time.

On July 25, 2008, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate salesperson license, and the Attorney General of the State of California has been given notice of the filing of the petition.

I have considered Respondent's petition and the evidence and arguments in support thereof. Respondent has demonstrated to my satisfaction that Respondent meets the requirements of law for the issuance to Respondent of an unrestricted real estate salesperson license and that it would not be against the public interest to issue said license to Respondent.

NOW, THEREFORE, IT IS ORDERED that Respondent's petition for reinstatement is granted and that a real estate salesperson license be issued to Respondent if Respondent satisfies the following conditions within twelve (12) months from the date of this order:

1. Submittal of a completed application and payment of the fee for a real estate salesperson license.

2. Submittal of evidence of having, 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.

This Order shall become effective immediately.

DATED: 3/18/2009

JEFF DAVI
Real Estate Commissioner

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JUL 20 2007
DEPARTMENT OF REAL ESTATE
By K. Mar

BEFORE THE

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of 1ST OPTION MORTGAGE, INC., DINO ROBERT ROSETTI, AND ALICIA MARIE CONTE, Respondents.	NO. H-9904 SF OAH NO. N2007030267

DECISION

The Proposed Decision dated June 20, 2007, of the Administrative Law Judge of the Office of Administrative Hearings is hereby adopted as the Decision of the Real Estate Commissioner in the above-entitled matter.

This Decision shall become effective at 12 o'clock noon on AUG 10 2007.

IT IS SO ORDERED 7-19-07.

JEFF DAVI
Real Estate Commissioner

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation Against: 1ST OPTION MORTGAGE, INC., DINO ROBERT ROSETTI, and ALICIA MARIE CONTE, Respondents.	Case No. H-9904 SF OAH No. N2007030267

PROPOSED DECISION

This matter was heard before Administrative Law Judge Trevor Skarda, State of California, Office of Administrative Hearings, on May 8, 2007, in Sacramento, California.

Jeanine K. Clasen, Counsel, Department of Real Estate, appeared on behalf of complainant.

Respondent Robert Rosetti represented 1st Option Mortgage, Inc., and himself. Respondent Alicia Marie Conte represented herself.

Respondent Rosetti submitted additional documentary evidence after the hearing. The case was submitted for decision on May 22, 2007.

FACTUAL FINDINGS

1. Complainant E. J. Haberer, II, is a Deputy Real Estate Commissioner of the State of California. He made the Accusation in his official capacity.

2. Respondent 1st Option Mortgage, Inc., (1st Option) was at all relevant times licensed by the Department of Real Estate (Department) as a corporate real estate broker by and through Respondent Dino Robert Rosetti (Rosetti), who is the designated officer-broker of 1st Option and who qualifies 1st Option as a real estate broker.

3. Respondent Rosetti was at all relevant times licensed by the Department as a real estate broker, license number 01116210, both as an individual and as the designated officer of 1st Option.

4. At all relevant times, respondents Rosetti and 1st Option engaged in activities on behalf of others for which a real estate license was required under Business and Professions Code section 10131, subdivision (d). Respondents solicited lenders and borrowers for loans secured directly or collaterally by liens on real property, and arranged, negotiated, processed and consummated such loans.

5. Respondent Alicia Marie Conte (Conte) was first licensed as a real estate salesperson on July 29, 2006. Conte was not licensed as a real estate salesperson prior to July 29, 2006. Conte has never been licensed as a real estate broker.

6. Conte was employed as a loan officer by 1st Option and Rosetti from May 2005, to August 7, 2006. In her capacity as a loan officer, Conte received compensation from her employer for successfully negotiating and arranging numerous loans secured by liens on real property. Conte negotiated the following loans:

(a) On or about April 21, 2005, a $337,000 loan to Lori L. Alves, secured by real property at 848 Portside Circle, Roseville, California (Alves);

(b) On or about July 12, 2005, a $264,000 loan to Andre D. Shevchuck, secured by real property at 850 East Cotati, Cotati, California (Shevchuck);

(c) On or about July 25, 2005, a $270,000 loan to Catherine L. Cook, secured by real property at 800 Regatta Drive, Sacramento, California (Cook);

(d) On or about December 1, 2005, a $224,070 loan to Mike Gutierrez, secured by real property at 616 Harris Avenue, Sacramento, California (Gutierrez);

(e) On or about December 21, 2005, a $400,000 loan to Sandra C. Ekhardt, secured by real property at 441 Cumberland Road, Burlingame, California (Ekhardt);

(f) On or about January 6, 2006, a $47,250 loan to Maria G. Alamo, secured by real property at 4916 Don Julio Blvd., Sacramento, California (Alamo);

(g) On or about January 12, 2006, a $301,750 loan to Robin L. Dimos, secured by real property at 7673 Old Auburn Road, Citrus Heights, California (Dimos);

(h) On or about January 19, 2006, a $150,000 loan to Clinton Thompson and Betty J. Williams-Thompson, secured by real property at 1770 Rutgers Street, East Palo Alto, California (Thompson);

(i) On or about February 3, 2006, a $172,500 loan to Jonathan Wagner, secured by real property at 10818 Painte Way, Rancho Cordova, California (Wagner).

7. Conte did not know that 1st Option was licensed by the Department of Real Estate, or that she was engaging in activity for which a license was required, until approximately July 2006. Prior to July 2006, Conte mistakenly believed that 1st Option had a California Finance Lender's license ("CFL license") issued by the California Department of Corporations. Conte's previous employer, Sacramento Mortgage, operated under a CFL license.

8. In February 2006, the Department received a consumer complaint about 1st Option, Rosetti and Conte and commenced an investigation.

9. On or about April 2006, Senior Deputy Commissioner Tricia Sommers contacted Rosetti and demanded that he make available for examination, inspection and copying a true and correct copy of the records obtained by 1st Option in connection with the Alves, Dimos, Eckhardt, Shevchuck and Thompson loans. The original documents had been signed by Conte, indicating that Conte interviewed the borrowers and negotiated the loans.

10. On April 28, 2006, Rosetti forwarded falsified and altered loan documents to the Department. Rosetti subsequently explained that:

> I copied my signature onto [loan documents] after I was notified by the Department that they wanted these files. Once I copied my signature onto them ... I cut and [pasted] the client's signatures (from other forms they signed) over to the Loan Application with my signature on it. I then placed the originals with [Conte's] signature in the Shred-it bin and the presented the misleading [loan documents] to [Sommers] and the Department.

11. Attached to the falsified and altered loan documents, Rosetti sent the Department a statement regarding Conte's employment status at 1st Option. He stated generally that Conte's job was to generate leads, and that "when this happens, I am always the one who reviews the rate and fees with the clients, even if they are [Conte's] family." In fact, Conte reviewed the rate and fees with clients, not Rosetti. Rosetti presented false information to the Department.

12. Deputy Commissioner Sommers subsequently subpoenaed and received original, unaltered loan documents from various title companies for the Alves, Dimos, Eckhardt, Shevchuck, and Thompson loans. All were signed by Conte as the interviewer, and all differed in that regard from the loan documents provided to the Department by Rosetti.

13. On or about May 1, 2006, in response to a request from Deputy Commissioner Sommers, Rosetti provided Conte's "job contract" to the Department. The job contract indicated that Conte was a "loan partner." The duties of a loan partner were generally to support loan officers. Conte was a loan officer, not a loan partner. Rosetti presented false information to the Department.

14. On or about August 7, 2006, Rosetti forwarded a second set of loan documents to Deputy Commissioner Sommers. This time, Rosetti forwarded unaltered documents to the Department. The files indicated that Conte was the interviewer. Rosetti attached a cover letter explaining that he had been "actively involved in client meetings" with the subject borrowers. Rosetti was not present at most, if not all, of Conte's client meetings. Rosetti provided false information to the Department.

15. On or about November 3, 2006, Rosetti sent a declaration to the Department which he signed under penalty of perjury. In the declaration, Rosetti admitted that he knew Conte was unlicensed when he hired her, and that he nonetheless allowed her to quote rates, process loans, and to "work hand in hand with the borrower."

16. On December 8, 2006, Deputy Commissioner Sommers interviewed Rosetti. Rosetti admitted that he had little or no contact with Conte's clients soon after Conte began her employment at 1st Option. When confronted with the altered Alves, Dimos, Eckhardt, Shevchuck and Thompson loans that he had provided to the Department along with true and correct copies of the same loan documents that the Department had subpoenaed from various title companies, Rosetti stated that he sent the subject borrowers a letter requesting that they sign new applications. Rosetti signed a declaration under penalty of perjury stating the same. Rosetti never sent a letter to any of the borrowers requesting that they sign new loan documents. Rosetti provided false information to the Department.

17. On December 28, 2006, Rosetti admitted that he altered the Alves, Dimos, Eckhardt, Shevchuck and Thompson loan documents, admitted that he destroyed the original copies, and admitted that he never sent a letter to Alves, Dimos, Eckhardt, Shevchuck or Thompson asking them to sign new loan documents.

18. In mitigation, Rosetti has no history of discipline with the Department, and during the Department's investigation, Rosetti was a defendant in a civil lawsuit filed by his former employer, Sacramento Mortgage. Rosetti explained that he had never been sued before and was distressed.

19. Rosetti submitted multiple letters from clients, agents and other individuals which were admitted as administrative hearsay. The letters indicate, in pertinent part, that Rosetti is an honest broker.

LEGAL CONCLUSIONS

1. The Department has the burden to prove the allegations in this matter by clear and convincing evidence. This standard of proof was applied to each and every allegation in the Accusation in reaching the conclusions below.

2. Business and Professions Code section 10177, subdivision (d), provides that a real estate license may be suspended or revoked if a licensee willfully disregarded or violated California Real Estate Laws.

3. Business and Professions Code section 10130, provides that it is unlawful for an unlicensed person to act as real estate sales person or real estate broker without first obtaining a license. As determined in the Factual Findings, Conte violated this section when she negotiated loans for Rosetti and 1st Option before she obtained a real estate license.

4. Cause exists to revoke or suspend the license issued to Conte, pursuant to Business and Professions Code section 10177, subdivision (d).

5. Business and Professions Code section 10137, provides that it is unlawful for a broker to employ or compensate an unlicensed person for performing acts for which a license is required. As determined in the Factual Findings, Rosetti and 1st Option violated this section when they employed Conte and allowed her to perform acts for which a license was required.

6. Business and Professions Code section 10148, provides that a broker must keep all documents executed by him or her for a period of three years, and must make all records available to the Department for inspection and copying after notice from the Department. As determined in the Factual Findings, Rosetti violated this section when he destroyed loan documents and failed to provide loan documents to the Department after receiving notice.

7. Business and Professions Code section 10159.2, provides that the officer designated by a corporate broker license is responsible for the supervision and control of the activities conducted on behalf of the corporation by its officers and employees. As determined in the Factual Findings, Rosetti was the officer designated by the corporate broker license for 1st Option, and Rosetti failed to supervise Conte's unlicensed activity.

8. Cause exists to revoke or suspend the license issued to Rosetti and 1st Option, pursuant to Business and Professions Code section 10177, subdivision (d).

9. Business and Professions Code section 10177, subdivision (g), provides that a real estate license may be suspended or revoked if a licensee demonstrated negligence or incompetence in any act for which he or she is required to hold a license. As determined in

the Factual Findings, Rosetti provided false information to the Department on numerous occasions in an effort to cover up his illegal activities. Moreover, he employed an unlicensed person to perform activities for which a license was required. In the aggregate, Rosetti's actions demonstrated incompetence.

10. Cause exists to revoke or suspend the license issued to Rosetti and 1st Option, pursuant to Business and Professions Code section 10177, subdivision (g).

11. Business and Professions Code section 10177, subdivision (h), provides that a real estate license may be suspended or revoked if a broker licensee failed to exercise reasonable supervision over the activities of his or her salespersons or the activities of a corporation licensed by the Department. As determined in the Factual Findings, Rosetti failed to supervise Conte's activities during the bulk of her tenure at 1st Option. Rosetti therefore failed to exercise reasonable supervision over his employees.

12. Cause exists to revoke or suspend the license issued to Rosetti and 1st Option, pursuant to Business and Professions Code section 10177, subdivision (h).

13. Business and Professions Code section 10177, subdivision (j), provides that a real estate license may be suspended or revoked if a licensee engaged in any conduct which constitutes fraud or dishonest dealing. As determined in the Factual Findings, Rosetti engaged in fraud when he altered loan documents. He also engaged in numerous dishonest acts with the Department during its investigation.

14. Cause exists to revoke or suspend the license issued to Rosetti and 1st Option, pursuant to Business and Professions Code section 10177, subdivision (j).

15. Business and Professions Code section 10176, subdivision (a), provides that a real estate license may be suspended or revoked if a licensee makes false representations. As determined in the Factual Findings, Rosetti made multiple, substantial misrepresentations to the Department during its investigation.

16. Cause exists to revoke or suspend the license issued to Rosetti and 1st Option, pursuant to Business and Professions Code section 10176, subdivision (a).

17. The purpose of licensing statutes is not to punish the licensee, but rather to protect members of the public. (*Clerici v. Department of Motor Vehicles* (1990) 224 Cal.App.3d 1016, 1029.)

18. In order to determine whether it is necessary to revoke, suspend or otherwise discipline respondents' licenses, in light of the purpose of the pertinent licensing provisions, it is necessary to consider factors in mitigation and aggravation. Rosetti has no history of

discipline. Rosetti was in the midst of a civil lawsuit. In aggravation, Rosetti repeatedly lied to the Department in order to cover up his actions. The above matters having been considered, it would be contrary to the public interest and welfare if Rosetti were to retain his license. Honesty is an essential quality for real estate brokers who handle financial transactions and who must comply with numerous statutes and regulations on a daily basis. The public must be protected from dishonest brokers.

19. Conte believed that she was working for a company that operated under a CFL license. There were no factors in aggravation. The above matters having been considered; it would not be contrary to the public interest and welfare if Conte retained her license, but with sufficient restrictions to protect the public.

ORDER

I. All licenses and licensing rights of respondents Dino Robert Rosetti, and to 1st Option Mortgage, Inc., under the Real Estate Law are hereby revoked.

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

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

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

3. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor for the removal of any of the conditions, limitations or restrictions of a restricted license until one year has elapsed from the effective date of this Decision.

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

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

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

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

DATED: June 20, 2007

TREVOR SKARDA
Administrative Law Judge
Office of Administrative Hearings

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FILED
FEB 16 2007
DEPARTMENT OF REAL ESTATE
By K. Mar

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of 1ST OPTION MORTGAGE, INC., a Corporation, DINO ROBERT ROSETTI and ALICIA MARIE CONTE, Respondents.	NO. H-9904 SF ACCUSATION

The Complainant, E. J. HABERER, II, a Deputy Real Estate Commissioner of the State of California, as and for an Accusation herein against Respondents 1ST OPTION MORTGAGE, INC., a corporation, DINO ROBERT ROSETTI and ALICIA MARIE CONTE (herein "Respondents"), is informed and alleges as follows:

I

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

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II

The Complainant, E. J. HABERER, II, a Deputy Real Estate Commissioner of the State of California, makes this Accusation against Respondents in his official capacity.

III

At all times herein mentioned, Respondent 1ST OPTION MORTGAGE, INC. (hereinafter "1ST OPTION") was and now is licensed by the Department of Real Estate of the State of California (hereinafter "the Department") as a corporate real estate broker by and through Respondent DINO ROBERT ROSETTI (hereinafter "ROSETTI") as designated officer-broker of 1ST OPTION to qualify said corporation and to act for said corporation as a real estate broker.

IV

At all times herein mentioned, ROSETTI was and now is licensed by the Department as a real estate broker, individually and as designated officer-broker of 1ST OPTION. As said designated officer-broker, ROSETTI was and now is responsible pursuant to Section 10159.2 of the Code for the supervision of the activities of the officers, agents, real estate licensees and employees of 1ST OPTION for which a license is required.

V

On July 29, 2006, the Department issued a license to Respondent ALICIA MARIE CONTE (hereinafter "CONTE") as a real estate salesperson. Respondent CONTE was never licensed by the Department either as a real estate broker or as a real estate salesperson prior to July 29, 2006.

VI

Whenever reference is made in an allegation in this Accusation to an act or omission of 1ST OPTION, such allegation shall be deemed to mean that the officers, directors, employees, agents and real estate licensees employed by or associated with 1ST OPTION committed such act or omission while engaged in the furtherance of the business or operations of such corporate Respondent and while acting within the course and scope of their corporate authority and employment.

VII

At all times herein mentioned, Respondents engaged in the business of, acted in the capacity of, advertised, or assumed to act as real estate brokers within the State of California within the meaning of Section 10131(d) of the Code, including the operation and conduct of a mortgage loan brokerage business with the public wherein, on behalf of others, for compensation or in expectation of compensation, Respondents solicited lenders and borrowers for loans secured directly or collaterally by liens on real property, and wherein Respondents arranged, negotiated, processed, and consummated such loans.

VIII

At all times mentioned herein from on or about May 1, 2005 through on or about April 30, 2006, 1ST OPTION and ROSETTI employed and compensated CONTE to perform the acts and conduct the activities described in Paragraph VII, above, including but not limited to the activities described in Paragraph IX, below.

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IX

From on or about May 1, 2005 through on or about April 30, 2006, in the course of the activities and employment described in Paragraphs VII and VIII, above, CONTE, acting for and on behalf of another or others, for or in expectation of compensation, without first being licensed by the Department either as a real estate salesperson or as a real estate broker, negotiated and arranged loans secured by liens on real property, including but not limited to the following ten loans:

(a) on or about April 21, 2005, a $337,000 loan to Lori L. Alves to be secured by real property at 848 Portside Circle, Roseville, California ("Alves");

(b) on or about July 12, 2005, a $264,000 loan to Andre D. Shevchuck to be secured by real property at 850 East Cotati #4, Cotati, California ("Shevchuck");

(c) on or about July 25, 2005, a $270,000 loan to Catherine L. Cook to be secured by real property at 800 Regatta Drive, Sacramento, California ("Cook");

(d) on or about August 24, 2005, a $35,000 loan to Antionette N. Steiner to be secured by real property at 3340 Wickenby Way, Roseville, California ("Steiner");

(e) on or about December 1, 2005, a $224,070 loan to Mike Gutierrez to be secured by real property at 616 Harris Avenue, Sacramento, California ("Gutierrez");

(f) on or about December 21, 2005, a $400,000 loan to Sandra C. Ekhardt to be secured by real property at 441 Cumberland Road, Burlingame, California ("Ekhardt");

(g) on or about January 6, 2006, a $47,250 loan to Maria G. Alamo to be secured by real property at 4916 Don Julio Blvd., Sacramento, California ("Alamo");

(h) on or about January 12, 2006, a $301,750 loan to Robin L. Dimos to be secured by real property at 7673 Old Auburn Road, Citrus Heights, California ("Dimos");

(i) on or about January 19, 2006, a $150,000 loan to Clinton Thompson and Betty J. Williams-Thompson to be secured by real property at 1770 Rutgers Street, East Palo Alto, California ("Thompson"); and

(j) on or about February 3, 2006, a $172,500 loan to Jonathan Wagner to be secured by real property at 10818 Painte Way, Rancho Cordova, California ("Wagner").

X

In acting as described above, CONTE violated Section 10130 of the Code, 1ST OPTION and ROSETTI willfully disregarded Section 10130 of the Code, and 1ST OPTION and ROSETTI violated Section 10137 of the Code.

XI

On or before May 1, 2006, a designated representative of the Real Estate Commissioner made demand pursuant to Section 10148 of the Code that 1ST OPTION and ROSETTI make available for examination, inspection and copying by the Department a true and correct copy of the records executed or obtained by Respondents in connection with the "Alves", "Dimos", "Ekhardt", "Shevchuck" and "Thompson" mortgage loan origination transactions conducted

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by Respondents between on or about May 1, 2005 through on or about April 30, 2006 described in Paragraph IX, above.

XII

At all times mentioned herein between on or about May 1, 2006 and on or about December 31, 2006, Respondents 1ST OPTION and ROSETTI failed after notice to make the records executed or obtained by Respondents in connection with the "Alves", "Dimos", "Ekhardt", "Shevchuck" and "Thompson" mortgage loan origination transactions conducted by Respondents between on or about May 1, 2005 through on or about April 30, 2006 described in Paragraph IX, above, available for examination, inspection and copying by the designated representative of the Real Estate Commissioner.

XIII

At all times mentioned herein, ROSETTI failed to exercise reasonable supervision over the acts of 1ST OPTION and its agents and employees in such a manner as to allow the acts and omissions on the part of 1ST OPTION and CONTE, described above, to occur.

XIV

On or about May 1, 2006, in response to the demand described in Paragraph XI, above, Respondent ROSETTI fabricated false and fraudulent loan application forms for the "Alves", "Dimos", "Ekhardt", "Shevchuck" and "Thompson" mortgage loan origination transactions in which the signature and name of Respondent CONTE as loan officer was deleted and replaced with the signature and name of Respondent ROSETTI, and thereafter

presented said documents to the Department, representing to the Department, contrary to fact, that such documents were true and authentic.

XV

The acts and omissions of Respondent ROSETTI described in Paragraphs XI and XII, above, constituted fraud and/or dishonest dealing.

XVI

The facts alleged above are grounds for the suspension or revocation of the licenses and license rights of Respondents under the following provisions of the Code:

(a) As to Respondents 1ST OPTION and ROSETTI and Paragraphs VIII through X, above, under Sections 10130 and 10137 the Code in conjunction with Section 10177(d) of the Code;

(b) As to Respondent CONTE and Paragraphs VIII through X, above, under Section 10130 the Code in conjunction with Section 10177(d) of the Code;

(c) As to Respondents 1ST OPTION and ROSETTI and Paragraphs XII and XII, above, under Section 10148 of the Code in conjunction with Section 10177(d) of the Code;

(d) As to Respondent ROSETTI and Paragraph XIII, above, under Section 10177(g) and/or Section 10177(h) of the Code and Section 10159.2 of the Code in conjunction with Section 10177(d) of the Code.

(e) As to Respondent ROSETTI and Paragraphs XIV and XV under Sections 10176(a) and/or 10177(j) of the Code.

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WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and license rights of 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.

E. J. HABERER, II
Deputy Real Estate Commissioner

Dated at Oakland, California
this 13th day of February, 2007.