

1 Department of Real Estate
P. O. Box 187000
2 Sacramento, CA 95818-7000
3 Telephone: (916) 227-0789
4
5
6
7

FILED
FEB 28 2002

DEPARTMENT OF REAL ESTATE

By Laurie G. Jain

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H-1435 FRESNO
12 EVANS DIVERSIFIED, INC.,) OAH No. N-2001110203
13 EDWARD DONALD EVANS, and)
BRUCE LAUREN EVANS,) STIPULATION AND AGREEMENT
14 Respondents.)
15

16 It is hereby stipulated by and between EVANS DIVERSIFIED,
17 INC. (hereinafter "Respondent EDI"); EDWARD DONALD EVANS
18 (hereinafter "Respondent EDWARD EVANS"); and
19 BRUCE LAUREN EVANS (hereinafter "Respondent BRUCE EVANS")
20 (sometimes herein referred to as "Respondents") and their
21 attorney of record, Charles I. Karlin, and Complainant, acting
22 by and through David A. Peters, Counsel for the Department of
23 Real Estate, as follows for purpose of settling and disposing of
24 the Accusation filed on February 7, 2000 (hereinafter "the
25 Accusation) in this matter.

26 ///

27 ///

1 1. All issues which were to be contested and all
2 evidence which was to be presented by Complainant and
3 Respondents at a formal hearing on the Accusation, which hearing
4 was to be held in accordance with the provisions of the
5 Administrative Procedure Act (APA) (Government Code Section
6 11500 et seq.), shall instead and in place thereof be submitted
7 solely on the basis of the provisions of this Stipulation and
8 Agreement.

9 2. Respondents have received, read and understand
10 the Statement to Respondents, the Discovery Provisions of the
11 APA, and the Accusation filed by the Department of Real Estate
12 in this proceeding.

13 3. On February 22, 2000, Respondents filed his
14 Notice of Defense pursuant to Section 11505 of the Government
15 Code for the purpose of requesting a hearing on the allegations
16 in the Accusation. Respondents freely and voluntarily withdraw
17 said Notice of Defense. Respondents acknowledge that by
18 withdrawing said Notice of Defense Respondents will thereby
19 waive their right to require the Commissioner to prove the
20 allegations in the Accusation at a contested hearing held in
21 accordance with the provisions of the APA and that Respondents
22 will waive other rights afforded to them in connection with the
23 hearing such as the right to present evidence in defense of the
24 allegations in the Accusation and the right to cross-examine
25 witnesses.

26 ///

27 ///

1 4. This Stipulation is based on the factual
2 allegations contained in the Accusation. In the interests of
3 expedience and economy, Respondents choose not to contest these
4 allegations, but to remain silent and understand that, as a
5 result thereof, these factual allegations, without being
6 admitted or denied, will serve as prima facia basis for the
7 disciplinary action stipulated to herein. The Real Estate
8 Commissioner shall not be required to provide further evidence
9 to prove said factual allegations.

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

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

27 ///

1 Sections 10137, 10138, and 10177(d) in conjunction with Sections
2 2832, and 2731 of Title 10, California Code of Regulations.

3 II

4 The conduct of Respondent EDWARD EVANS described in
5 the Accusation, constitute cause for the suspension or
6 revocation of the real estate broker license and rights of
7 Respondent EDWARD EVANS under the provisions of Business and
8 Professions Code Sections 10137, 10138 and 10177(h).

9 III

10 The conduct of Respondent BRUCE EVANS described in the
11 Accusation, constitute cause for the suspension or revocation of
12 the real estate broker license and license rights of Respondent
13 BRUCE EVANS under the provisions of Business and Professions
14 Code Sections 10130, 10137, 10139, and 10177(d).

15 ORDER

16 I

17 A. All licenses and licensing rights of Respondent
18 EDI under the Real Estate Law are suspended for a period of
19 sixty (60) days from the effective date of this Decision.

20 B. Twenty (20) days of said suspension are stayed
21 for a period of two (2) years upon the following terms and
22 conditions:

- 23 (1) Respondent shall obey all laws, rules and
24 regulations governing the rights, duties and
25 responsibilities of a real estate licensee in the
26 State of California; and

27 ///

1 (2) If the Real Estate Commissioner determines that
2 further cause for disciplinary actions against
3 Respondent has occurred within two (2) years from
4 the effective date of the Decision, the stay of
5 suspension hereby granted to Respondent, or such
6 portion of the stay as the Real Estate
7 Commissioner shall deem appropriate, shall be
8 vacated.

9 C. If Respondent EDI and/or Respondent EDWARD
10 EVANS petitions the Department in writing pursuant to
11 Section 10175.2 of the Code prior to the effective date of
12 the Decision, the remaining forty (40) days of said
13 suspension shall be stayed upon condition
14 that:

15 (1) Respondent EDI and/or Respondent EDWARD EVANS
16 pays a monetary penalty pursuant to Section
17 10175.2 of the Business and Professions Code at a
18 rate of \$150.00 for each day of suspension for a
19 total monetary penalty of \$6,000.00. Pursuant to
20 the terms, conditions and restrictions of the
21 this Stipulation and Agreement the payment of a
22 total monetary penalty of \$6,000.00 by Respondent
23 EDI and/or Respondent EDWARD EVANS shall stay the
24 forty (40) days of suspension of Respondent EDI
25 and Respondent EDWARD EVANS.

26 ///

27 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

(2) Said payment shall be in the form of a cashier's check or certified check made payable to the Recovery Account of the Real Estate Fund. Said check must be received by the Department prior to the effective date of the Decision in this matter.

(3) No further cause for disciplinary action against the real estate license of Respondent EDI occurs within two (2) years from the effective date of the Decision in this matter.

(4) If Respondent EDI and/or Respondent EDWARD EVANS fails to pay the monetary penalty in accordance with the terms and conditions of the Decision, the Commissioner may without hearing, order the immediate execution of all or any part of the stayed suspension in which event Respondent EDI shall not be entitled to any repayment nor credit, prorated or otherwise, for money paid to the Department under the terms of this Decision.

(5) If Respondent EDI and/or Respondent EDWARD EVANS pays the monetary penalty and if no further cause for disciplinary action against the real estate license of Respondent EDI occurs within two (2) years from the effective date of the Decision, the stay hereby granted shall become permanent.

///
///

1 D. Pursuant to Section 10148 of the Business and
2 Professions Code, Respondent EDI and/or Respondent EDWARD EVANS
3 shall pay the Commissioner's reasonable cost for: a) the audit
4 which led to this disciplinary action, and b) a subsequent audit
5 to determine if Respondents have corrected the trust fund
6 violations found in paragraph I of the Determination of Issues.
7 In calculating the amount of the Commissioner's reasonable cost,
8 the Commissioner may use the estimated average hourly salary for
9 all persons performing audits of real estate brokers, and shall
10 include an allocation for travel costs, including mileage, time
11 to and from the auditor's place of work and per diem.
12 Respondent EDI and/or Respondent EDWARD EVANS shall pay such
13 cost within sixty (60) days of receiving an invoice from the
14 Commissioner detailing the activities performed during the audit
15 and the amount of time spent performing those activities. The
16 Commissioner may, in her discretion, vacate and set aside the
17 stay order, if payment is not timely made as provided for
18 herein, or as provided for in a subsequent agreement between the
19 Respondent EDI and the Commissioner. The vacation and the set
20 aside of the stay shall remain in effect until payment is made
21 in full, or until Respondent EDI enters into an agreement
22 satisfactory to the Commissioner to provide for payment. Should
23 no order vacating the stay be issued, either in accordance with
24 this condition or condition "C", the stay imposed herein shall
25 become permanent.

26 ///
27 ///

1 (1) Respondent EDWARD EVANS and/or Respondent EDI
2 pays a monetary penalty pursuant to Section
3 10175.2 of the Business and Professions Code at a
4 rate of \$150.00 for each day of suspension for a
5 total monetary penalty of \$6,000.00. Pursuant to
6 the terms, conditions and restrictions of this
7 Stipulation and Agreement the payment of the
8 total monetary penalty of \$6,000.00 by Respondent
9 EDWARD EVANS and/or Respondent EDI shall stay the
10 forty (40) days of suspension of Respondent
11 EDWARD EVANS and Respondent EDI.

12 (2) Said payment shall be in the form of a cashier's
13 check or certified check made payable to the
14 Recovery Account of the Real Estate Fund. Said
15 check must be received by the Department prior to
16 the effective date of the Decision in this
17 matter.

18 (3) No further cause for disciplinary action against
19 the real estate license of Respondent EDWARD
20 EVANS occurs within two (2) years from the
21 effective date of the Decision in this matter.

22 (4) If Respondent EDWARD EVANS and/or Respondent EDI
23 fails to pay the monetary penalty in accordance
24 with the terms and conditions of the Decision,
25 the Commissioner may without hearing, order the
26 immediate execution of all or any part of the
27

1 stayed suspension in which event Respondent
2 EDWARD EVANS shall not be entitled to any
3 repayment nor credit, prorated or otherwise, for
4 money paid to the Department under the terms of
5 this Decision.

6 (5) If Respondent EDWARD EVANS and/or Respondent EDI
7 pays the monetary penalty and if no further cause
8 for disciplinary action against the real estate
9 license of Respondent EDWARD EVANS occurs within
10 two (2) years from the effective date of the
11 Decision, the stay hereby granted shall become
12 permanent.

13 D. Pursuant to Section 10148 of the Business

14 and Professions Code, Respondent EDWARD EVANS and/or Respondent
15 EDI shall pay the Commissioner's reasonable cost for: a) the
16 audit which led to this disciplinary action, and b) a subsequent
17 audit to determine if Respondents have corrected the trust fund
18 violations found in Paragraph II of the Determination of Issues.
19 In calculating the amount of the Commissioner's reasonable cost,
20 the Commissioner may use the estimated average hourly salary for
21 all persons performing audits of real estate brokers, and shall
22 include an allocation for travel costs, including mileage, time
23 to and from the auditor's place of work and per diem.

24 Respondent EDWARD EVANS and/or Respondent EDI shall pay such
25 cost within sixty (60) days of receiving an invoice from the
26 Commissioner detailing the activities performed during the audit
27 and the amount of time spent performing those activities. The

1 Commissioner may, in her discretion, vacate and set aside the
2 stay order, if payment is not timely made as provided for
3 herein, or as provided for in a subsequent agreement between the
4 Respondent EDWARD EVANS and the Commissioner. The vacation and
5 the set aside of the stay shall remain in effect until payment
6 is made in full, or until Respondent EDWARD EVANS enters into an
7 agreement satisfactory to the Commissioner to provide for
8 payment. Should no order vacating the stay be issued, either in
9 accordance with this condition or condition "C", the stay
10 imposed herein shall become permanent.

11 III

12 A. All licenses and licensing rights of Respondent
13 BRUCE EVANS under the Real Estate Law are suspended for a period
14 of sixty (60) days from the effective date of this Decision.

15 B. Twenty (20) days of said suspension are stayed
16 for a period of two (2) years upon the following terms and
17 conditions:

18 (1) Respondent shall obey all laws, rules and
19 regulations governing the rights, duties and
20 responsibilities of a real estate licensee in the
21 State of California; and

22 (2) If the Real Estate Commissioner determines that
23 further cause for disciplinary actions against
24 Respondent has occurred within two (2) years from
25 the effective date of the Decision, the stay of
26 suspension hereby granted to Respondent, or such
27 portion of the stay as the Real Estate

1 Commissioner shall deem appropriate, shall be
2 vacated.

3 C. If Respondent BRUCE EVANS petitions the
4 Department in writing pursuant to Section 10175.2 of the Code
5 prior to the effective date of the Decision, the remaining forty
6 (40) days of said suspension shall be stayed upon condition
7 that:

8 (1) Respondent BRUCE EVANS pays a monetary
9 penalty pursuant to Section 10175.2 of the
10 Business and Professions Code at a rate of
11 \$150.00 for each day of suspension for a
12 total monetary penalty of \$6,000.00.
13 Pursuant to the terms, conditions and
14 restrictions of this Stipulation and
15 Agreement the payment of the total monetary
16 penalty of \$6,000.00 by Respondent BRUCE
17 EVANS shall stay the forty (40) days of
18 suspension or Respondent BRUCE EVANS.

19 (2) Said payment shall be in the form of a
20 cashier's check or certified check made
21 payable to the Recovery Account of the Real
22 Estate Fund. Said check must be received by
23 the Department prior to the effective date
24 of the Decision in this matter.

25 (3) No further cause for disciplinary action
26 against the real estate license of
27 Respondent BRUCE EVANS occurs within two (2)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

years from the effective date of the
Decision in this matter.

(4) If Respondent BRUCE EVANS fails to pay the
monetary penalty in accordance with the
terms and conditions of the Decision, the
Commissioner may without hearing, order the
immediate execution of all or any part of
the stayed suspension in which event
Respondent BRUCE EVANS shall not be entitled
to any repayment nor credit, prorated or
otherwise, for money paid to the Department
under the terms of this Decision.

(5) If Respondent BRUCE EVANS pays the monetary
penalty and if no further cause for
disciplinary action against the real estate
license of Respondent BRUCE EVANS occurs
within two (2) years from the effective date
of the Decision, the stay hereby granted
shall become permanent.

2/13/02
DATED

David A. Peters
DAVID A. PETERS, Counsel
DEPARTMENT OF REAL ESTATE

///
///
///
///
///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

* * *

I have read the Stipulation and Agreement, have discussed it with my counsel, 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.

1/30/02
DATED

EVANS DIVERSIFIED Inc by
EVANS DIVERSIFIED, INC.
By: Edward Donald Evans *Edward Evans*
Respondent

1/30/02
DATED

Edward Evans
EDWARD DONALD EVANS
Respondent

1/30/02
DATED

Bruce Lauren Evans
BRUCE LAUREN EVANS
Respondent

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

1/30/02
DATED

Charles I. Karlin
CHARLES I. KARLIN
Attorney for Respondents

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

* * *

The foregoing Stipulation and Agreement for
Settlement is hereby adopted by the Real Estate Commissioner as
her Decision and Order and shall become effective at 12 o'clock
noon on MARCH 21, 2002.

IT IS SO ORDERED February 21, 2002.

PAULA REDDISH ZINNEMANN
Real Estate Commissioner



BY: **John R. Liberator**
Chief Deputy Commissioner

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
NOV 19 2001

DEPARTMENT OF REAL ESTATE

Laurel J. Kim
By _____

In the Matter of the Accusation of

EVANS DIVERSIFIED, INC.;
EDWARD DONALD EVANS; and
BRUCE LAUREN EVANS,

}

Case No. H-1435 FRESNO

OAH No. N-2001110203

Respondents

NOTICE OF HEARING ON ACCUSATION

To the above named respondents:

You are hereby notified that a hearing will be held before the Department of Real Estate at THE STATE BUILDING, 2550 MARIPOSA MALL, ROOM 1027, FRESNO, CA 93721 on THURSDAY, JANUARY 31, 2002, at the hour of 9:00 A.M., or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

By *David A. Peters*

DAVID A. PETERS, Counsel

Dated: NOVEMBER 19, 2001

1 THOMAS C. LASKEN, Counsel
2 Department of Real Estate
3 P. O. Box 187000
4 Sacramento, CA 95818-7000

5 Telephone: (916) 227-0789

FILED

FEB 07 2000

DEPARTMENT OF REAL ESTATE

By Jean Alameda

8 BEFORE THE
9 DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)
13 EVANS DIVERSIFIED, INC.;)
14 EDWARD DONALD EVANS; and,) NO. H-1435 FRESNO
15 BRUCE LAUREN EVANS;)
16 Respondents.) ACCUSATION

17 The Complainant, M. Dolores Ramos, a Deputy Real Estate
18 Commissioner of the State of California, for cause of Accusation
19 against EVANS DIVERSIFIED, INC. (hereinafter "Respondent EDI");
20 EDWARD DONALD EVANS (hereinafter "Respondent EDWARD EVANS"); and
21 BRUCE LAUREN EVANS (hereinafter "Respondent BRUCE EVANS"); is
22 informed and alleges as follows:

23 FIRST CAUSE OF ACCUSATION

24 I

25 The Complainant, M. Dolores Ramos, a Deputy Real Estate
26 Commissioner of the State of California, makes this Accusation in
27 her official capacity.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

II

Respondent EDI is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code (hereinafter "Code") as a real estate broker corporation, by and through EDWARD EVANS as its Designated Officer.

III

Respondent EDWARD EVANS is presently licensed and/or has license rights under the Code as a real estate broker.

IV

Respondent BRUCE EVANS is presently licensed and/or has license rights under the Code as a real estate broker. Prior to September 25, 1999, Respondent BRUCE EVANS was licensed as a real estate salesperson, except for the period from on or about June 2, 1997, to on or about May 15, 1998, when his real estate salesperson license was expired. During said period (hereinafter "the period of expiration"), Respondent BRUCE EVANS was not licensed under the Code as a real estate broker or salesperson.

V

Whenever reference is made in an allegation in this Accusation to an act or omission of "Respondents EDI/EDWARD EVANS", such allegation shall be deemed to mean the act or omission of each of Respondents EDI and EDWARD EVANS, acting individually, jointly, and severally, and as agents of each other.

///

1 VI

2 At all times herein mentioned, Respondents EDI, EDWARD
3 EVANS, and BRUCE EVANS engaged in the business of, acted in the
4 capacity of, advertised or assumed to act as real estate brokers
5 engaged in the property management business in the State of
6 California, within the meaning of Section 10131(b) of the Code,
7 wherein Respondents, for or in expectation of a compensation,
8 leased or rented or offered to lease or rent, or solicited
9 listings of, places for rent; solicited prospective tenants for,
10 negotiated rental agreements for, and collected rents from, real
11 properties owned by another or others; and otherwise managed real
12 properties in California.

13 VII

14 During the period of expiration, Respondents EDI/EDWARD
15 EVANS employed and compensated Respondent BRUCE EVANS for
16 performing acts requiring a real estate license, and Respondent
17 BRUCE EVANS received and accepted compensation from Respondents
18 EDI/EDWARD EVANS for said acts. Said acts include, but are not
19 limited to, the negotiation of at least 15 property management
20 agreements and 45 rental agreements.

21 VIII

22 The facts alleged in Paragraph VII above constitute
23 violation of Sections 10137 and 10138 of the Code, and are cause
24 under Sections 10137 and 10138 of the Code for the suspension or
25 revocation of all licenses and license rights of Respondents EDI
26 and EDWARD EVANS under the Real Estate Law.

27 ///

IX

The facts alleged in Paragraph VII above constitute violation of Sections 10130, 10137, and 10139 of the Code, and are cause under Sections 10137 and 10177(d) of the Code for the suspension or revocation of all licenses and license rights of Respondent BRUCE EVANS under the Real Estate Law.

X

During the period of expiration, Respondent EDWARD EVANS, as designated broker-officer for Respondent EDI, failed to exercise reasonable supervision and control over the licensed activities of Respondent EDI as required by Section 10159.2 of the Code. Such failure is cause for the suspension or revocation of Respondent EDWARD EVANS' licenses and/or license rights under Section 10177(h) of the Code.

XI

The acts and omissions of Respondent EDWARD EVANS as set forth in Paragraph VII above constitute negligence or incompetence in performing acts requiring a real estate license, and failure to exercise reasonable supervision over salespersons licensed to him, and are cause under Sections 10177(g) and 10177(h) of the Code for the suspension or revocation of Respondent EDWARD EVANS' licenses and/or license rights.

SECOND CAUSE OF ACCUSATION

XII

There is hereby incorporated in this Second, separate and distinct, Cause of Accusation, all of the allegations

1 contained in Paragraphs I through VI of the First Cause of
2 Accusation with the same force and effect as if fully set forth
3 herein.

4 XIII

5 During the course of the property management
6 activities described in Paragraph VI above, Respondent EDI
7 received and disbursed funds held in trust on behalf of another
8 or others.

9 XIV

10 Within the three-year period immediately preceding the
11 filing of this Accusation, Respondent EDI maintained the
12 following trust account:

| 13 <u>Account Name and Number</u> | <u>Bank</u> |
|---|--|
| 14 Evans Property Management 15 #3007863 | Visalia Community Bank 120 N. Floral Street Visalia, CA. |

16 XV

17 Commencing on March 10, 1999, and continuing through
18 March 15, 1999, an investigative audit ("Audit") was made by the
19 Department of Real Estate ("Department") of Respondent EDI's
20 records for the period April 1, 1998, through February 28, 1999
21 ("the audit period"), as those records relate to Respondent's
22 licensed activities in its real estate business.

23 XVI

24 In connection with the collection and disbursement of
25 trust funds, Respondent EDI failed to deposit and maintain trust
26 funds in the trust account in such manner that as of February 28,
27 1999, there was a shortage of \$854.45 of trust funds.

1. XVII

2 In connection with the collection and disbursement of
3 trust funds, Respondent EDI disbursed, or caused or permitted
4 the disbursement of, trust funds from the trust account, without
5 the prior written consent of every principal who was an owner of
6 the funds in the account, where the disbursement reduced the
7 balance of funds in the accounts to an amount which was \$854.45
8 less than the existing aggregate trust fund liability of
9 Respondent to all owners of said funds, in violation of Section
10 2832.1 of Title 10, California Code of Regulations (hereinafter
11 "Regulations").

12 XVIII

13 During the audit period, the trust account identified
14 in Paragraph XIV above was not in the name of Respondent EDI as
15 trustee at a bank or other financial institution as required by
16 Section 2832 of the Regulations.

17 XIX

18 During the audit period, Respondent EDI operated its
19 property management business under the fictitious business name
20 "Evans Property Management" without obtaining a real estate
21 license bearing said fictitious business name, in violation of
22 Section 10159.5 of the Code and Section 2731 of the Regulations.

23 XX

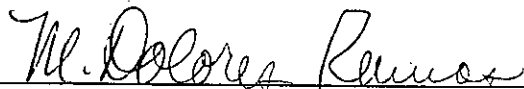
24 Respondent EDI's acts and omissions alleged above in
25 Paragraphs XVI and XVII constitute cause for discipline under
26 Section 10177(d) of the Code in conjunction with Section 10145 of
27 the Code and Section 2832.1 of the Regulations.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

XXI

Respondent EDI's acts and omissions alleged above in Paragraphs XVIII and XIX constitute cause for discipline under the provisions of Section 10177(d) of the Code.

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 Code), and for such other and further relief as may be proper under other applicable provisions of law.


M. DOLORES RAMOS
Deputy Real Estate Commissioner

Dated at Fresno, California,
this 31st day of January, 2000.