

FILED

MAY 14 2009

DEPARTMENT OF REAL ESTATE

By L. Mar

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )

RAMAN S. ESSA, )  
KERI M. SEXTON and )  
PROPERTY PROS, INC. )

H-1827 FRESNO

Respondents. )  
\_\_\_\_\_ )

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 as to KERI M. SEXTON only, filed on April 22, 2009, 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.

The right to reinstatement of a revoked real estate license is controlled by Section 11522 of the Government Code. A copy of Section 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of Respondent.

FINDINGS OF FACT

1

On August 25, 2005, Steven J. Ellis, made the Accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, to Respondent's last known mailing address on file with the Department on August 25, 2005.

On April 22, 2009, no Notice of Defense having been received or filed herein within the time prescribed by Section 11506 of the Government Code, Respondent KERI M. SEXTON's (hereinafter "SEXTON") default was entered herein.

2

Respondent SEXTON 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 (hereinafter "Code") as a real estate salesperson. Between November '15, 2002 and June 29, 2004, Respondent SEXTON was employed by Property Pros, Inc.

3

During August, 2002, in the course of Respondent SEXTON's employment by Property Pros, Inc., Respondent SEXTON negotiated and arranged the sale of real property at 1636 Teresa Street from Eloise Willform as seller to Bertha Philyaw (herein "Philyaw") as buyer.

4

Between on or about August 29, 2002 and June 5, 2003, in the course of Respondent SEXTON's employment by Property Pros, Inc., Respondent SEXTON undertook to manage the real property at 1636 Teresa Street on behalf of Philyaw, in that for compensation or in expectation of compensation, Respondent SEXTON leased or rented and offered to lease or rent, and placed for rent, and solicited listings of places for rent, and solicited for prospective tenants of the real property, and collected rents from the real property, making mortgage payments and tax payments.

5

Between on or about August 29, 2002 and June 5, 2003, in the course of Respondent SEXTON's employment described in Paragraph 4, above, Respondent SEXTON led Philyaw to believe Respondent SEXTON was making the monthly mortgage payments by showing Philyaw checks made payable to the mortgage company. These representations were false when made. In fact, the account on which the checks were supposedly drawn, Bank of America, Account Number 18349-02751, was closed August 27, 2002 before any of the checks were dated.

#### DETERMINATION OF ISSUES

1

Cause for disciplinary action against Respondent SEXTON exists pursuant to Business and Professions Code Section 10176(i) of the Code.

///

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

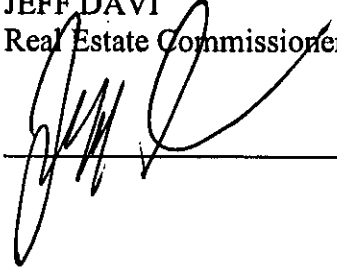
ORDER

All licenses and licensing rights of Respondent KERI M. SEXTON, 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 JUN - 4 2009

DATED: 4-28-09

JEFF DAVI  
Real Estate Commissioner



\_\_\_\_\_

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

4 Telephone: (916) 227-0789

**FILED**

APR 22 2009

DEPARTMENT OF REAL ESTATE

By: *[Signature]*

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

12 \* \* \*

13 In the Matter of the Accusation of

14 KERI M. SEXTON,

15 Respondent.

) No. H-1827 FRESNO  
)  
)  
)  
)

DEFAULT ORDER

16  
17 Respondent, KERI M. SEXTON, having failed to file a Notice of Defense within  
18 the time required by Section 11506 of the Government Code, is now in default. It is, therefore,  
19 ordered that a default be entered on the record in this matter.

20  
21 IT IS SO ORDERED April 22, 2009.

22  
23 JEFF DAVI  
24 Real Estate Commissioner

25 By:

*[Signature]*  
26 CHARLES W. KOENIG  
27 Regional Manager

FILED

AUG 19 2008.

DEPARTMENT OF REAL ESTATE

By R. Henry

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

Telephone: (916) 227-0789

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

|                                      |                                  |
|--------------------------------------|----------------------------------|
| In the Matter of the Accusation of ) | NO. H-1827 FRESNO                |
| RAMAN S. ESSA, )                     |                                  |
| KERI M. SEXTON, and )                | <u>STIPULATION AND AGREEMENT</u> |
| PROPERTY PROS, INC., )               | <u>IN SETTLEMENT AND ORDER</u>   |
| Respondents. )                       | <u>AS TO RAMAN S. ESSA and</u>   |
| )                                    | <u>PROPERTY PROS, INC. ONLY</u>  |

It is hereby stipulated by and between RAMAN S. ESSA (hereinafter Respondent "ESSA"), PROPERTY PROS, INC. (hereinafter Respondent "PPI") and their attorney of record, Thomas C. Lasken, and the Complainant, acting by and through David B. Seals, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation as to Respondents ESSA and PPI filed on August 25, 2005, in this matter:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondents ESSA and PPI at a formal hearing on the Accusation, which hearing was to be held in accordance with the provisions

H-1827 FRESNO

- 1 -

RAMAN S. ESSA, KERI M. SEXTON  
AND PROPERTY PROS, INC.

1 of the Administrative Procedure Act (APA), shall instead and in  
2 place thereof be submitted solely on the basis of the provisions  
3 of this Stipulation and Agreement in Settlement.

4 2. Respondents ESSA and PPI have received, read and  
5 understand the Statement to Respondent, the Discovery Provisions  
6 of the APA and the Accusation filed by the Department of Real  
7 Estate in this proceeding.

8 3. A Notice of Defense was filed on September 12, 2005  
9 by Respondents ESSA and PPI, pursuant to Section 11505 of the  
10 Government Code for the purpose of requesting a hearing on the  
11 allegations in the Accusation. Respondents ESSA and PPI hereby  
12 freely and voluntarily withdraw said Notice of Defense.

13 Respondents ESSA and PPI acknowledge that they understand that  
14 by withdrawing said Notice of Defense they will thereby waive  
15 their right to require the Commissioner to prove the allegations  
16 in the Accusation at a contested hearing held in accordance with  
17 the provisions of the APA and that they will waive other rights  
18 afforded to them in connection with the hearing such as the  
19 right to present evidence in defense of the allegations in the  
20 Accusation and the right to cross-examine witnesses.

21 4. This Stipulation is based on the factual  
22 allegations contained in the Accusation. In the interests of  
23 expedience and economy, Respondents ESSA and PPI choose not to  
24 contest these allegations, but to remain silent and understand  
25 that, as a result thereof, these factual allegations, without  
26 being admitted or denied, will serve as a prima facie basis for  
27 the disciplinary action stipulated to herein. The Real Estate

1 Commissioner shall not be required to provide further evidence  
2 to prove said factual allegations.

3           5. It is understood by the parties that the Real  
4 Estate Commissioner may adopt the Stipulation and Agreement in  
5 Settlement as his decision in this matter thereby imposing the  
6 penalty and sanctions on Respondents ESSA'S and PPI'S real  
7 estate licenses and license rights as set forth in the below  
8 "Order". In the event that the Commissioner in his discretion  
9 does not adopt the Stipulation and Agreement in Settlement, it  
10 shall be void and of no effect, and Respondents ESSA and PPI  
11 shall retain the right to a hearing and proceeding on the  
12 Accusation under all the provisions of the APA and shall not be  
13 bound by any admission or waiver made herein.

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

21           7. Respondent ESSA has received, read and understands  
22 the "Notice Concerning Costs of Subsequent Audits". Respondent  
23 ESSA understands that by agreeing to this Stipulation and  
24 Agreement in Settlement, the findings set forth below in the  
25 DETERMINATION OF ISSUES become final, and that the Commissioner  
26 may charge Respondent ESSA for the costs of any audit for which  
27 he is charged pursuant to Section 10148 of the Business and

1 Professions Code (hereinafter the "Code"). The reasonable cost  
2 of the audit which led to this disciplinary action is \$3,952.77.  
3 The maximum cost of the subsequent audit will not exceed  
4 \$3,952.77.

5 DETERMINATION OF ISSUES

6 I

7 By reason of the foregoing stipulations, admissions  
8 and waivers and solely for the purpose of settlement of the  
9 pending Accusation without a hearing, it is stipulated and  
10 agreed that the facts alleged above are grounds for the  
11 suspension or revocation of the licenses and license rights of  
12 Respondent ESSA under Sections 10145 and 10177(h) of the Code  
13 and Respondent PPI under 10177(d) of the Code.

14 ORDER

15 I

16 All licenses and licensing rights of Respondent  
17 RAMAN S. ESSA under the Real Estate Law are revoked; provided,  
18 however, a restricted real estate broker license shall be issued  
19 to Respondent ESSA pursuant to Section 10156.5 of the Business  
20 and Professions Code if Respondent ESSA makes application  
21 therefore and pays to the Department of Real Estate the  
22 appropriate fee for the restricted license within 90 days from  
23 the effective date of this Decision. The restricted license  
24 issued to Respondent ESSA shall be subject to all of the  
25 provisions of Section 10156.7 of the Business and Professions  
26 Code and to the following limitations, conditions and

27 ///

1 restrictions imposed under authority of Section 10156.6 of that  
2 Code:

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

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

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

21       4. Pursuant to Section 10148 of the Business and  
22 Professions Code, Respondent ESSA shall pay the Commissioner's  
23 reasonable cost for the audit which led to this disciplinary  
24 action (\$3,952.77) and a subsequent audit (not to exceed  
25 \$3,952.77) to determine if Respondent ESSA has corrected the  
26 trust fund violation(s) found in the Accusation in this matter.  
27 In calculating the amount of the Commissioner's reasonable cost,

1 the Commissioner may use the estimated average hourly salary for  
2 all persons performing audits of real estate brokers, and shall  
3 include an allocation for travel time to and from the auditor's  
4 place of work. Respondent ESSA shall pay such cost within 60  
5 days of receiving an invoice from the Commissioner detailing the  
6 activities performed during the audit and the amount of time  
7 spent performing those activities. The Commissioner may suspend  
8 the licenses of Respondent ESSA pending a hearing held in  
9 accordance with Section 11500, et seq., of the Government Code,  
10 if payment is not timely made as provided for herein, or as  
11 provided for in a subsequent agreement between Respondent ESSA  
12 and the Commissioner. The suspension shall remain in effect  
13 until payment is made in full or until Respondent ESSA enters  
14 into an agreement satisfactory to the Commissioner to provide  
15 for payment, or until a decision providing otherwise is adopted  
16 following a hearing held pursuant to this condition.

17       5. Respondent ESSA shall, within nine months from the  
18 effective date of this Decision, present evidence satisfactory  
19 to the Real Estate Commissioner that Respondent ESSA has, since  
20 the most recent issuance of an original or renewal real estate  
21 license, taken and successfully completed the continuing  
22 education requirements of Article 2.5 of Chapter 3 of the Real  
23 Estate Law for renewal of a real estate license. If Respondent  
24 ESSA fails to satisfy this condition, the Commissioner may order  
25 the suspension of the restricted license until Respondent ESSA  
26 presents such evidence. The Commissioner shall afford Respondent

27 ///

1 ESSA the opportunity for a hearing pursuant to the  
2 Administrative Procedure Act to present such evidence.

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

10 7. Respondent ESSA shall, prior to the date this  
11 Stipulation becomes effective, submit proof satisfactory to the  
12 Commissioner of having taken and successfully completed the  
13 continuing education course on trust fund accounting and  
14 handling specified in subdivision (a) of Section 10170.5 of the  
15 Business and Professions Code. Proof of satisfaction of this  
16 requirement includes evidence that Respondent ESSA has  
17 successfully completed the trust fund account and handling  
18 continuing education course within 120 days prior to the  
19 effective date of the Stipulation in this matter. If Respondent  
20 ESSA fails to satisfy this condition, the Commissioner may order  
21 suspension of Respondent ESSA'S license until Respondent ESSA  
22 submits satisfactory proof of completion of the course.

23 II

24 All licenses and licensing rights of Respondent PPI  
25 under the Real Estate Law are revoked; provided, however, a  
26 restricted corporate real estate broker license shall be issued  
27 to Respondent PPI pursuant to Section 10156.5 of the Business

1 and Professions Code if Respondent PPI makes application  
2 therefore and pays to the Department of Real Estate the  
3 appropriate fee for the restricted license within 90 days from  
4 the effective date of this Decision. The restricted license  
5 issued to Respondent PPI shall be subject to all of the  
6 provisions of Section 10156.7 of the Business and Professions  
7 Code and to the following limitations, conditions and  
8 restrictions imposed under authority of Section 10156.6 of that  
9 Code:

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

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

22 ///

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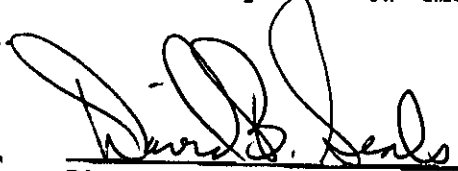
DRE LEGAL/RECOVERY

010/011

3. Respondent PPI 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 two years have elapsed from the  
effective date of this Decision.

DATED:

May 14, 2008

  
DAVID B. SEALS, Counsel  
DEPARTMENT OF REAL ESTATE

\* \* \*

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.

DATED:

5/8/08

  
RAMAN S. ESSA  
Respondent

DATED:

5/8/08

  
PROPERTY PROS, INC.  
Respondent

H-1927 FRESNO

- 9 -

RAMAN S. ESSA, KERI M. SEXTON  
AND PROPERTY PROS, INC.

04/28/2008 14:30 FAX 9182278458

DRE LEGAL/RECOVERY

011/011

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

3  
4 DATED: May 7, 2008

Thomas C. Lasken  
THOMAS C. LASKEN  
Attorney for Respondent

5  
6 \* \* \*

7 The foregoing Stipulation and Agreement in Settlement  
8 is hereby adopted by the Real Estate Commissioner as his Decision  
9 and Order and shall become effective at 12 o'clock noon on  
10 SEP - 9 2008

11 IT IS SO ORDERED

8/17/08

12  
13 Jeff Davi  
14 JEFF DAVI  
15 Real Estate Commissioner

16 BY: Barbara J. Bigby  
17 Chief Deputy Commissioner  
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H-1827 FRESNO

- 10 -

RAMAN S. BSSA, KERI M. SEXTON  
AND PROPERTY PROS, INC.

1 DAVID B. SEALS, Counsel (SBN 69378)  
2 Department of Real Estate  
3 P. O. Box 187007  
4 Sacramento, CA 95818-7007

5 Telephone: (916) 227-0789  
6 -or- (916) 227-0792 (Direct)

FILED

AUG 25 2009

DEPARTMENT OF REAL ESTATE

By *Janet Brown*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 )  
13 RAMAN S. ESSA, )  
14 KERI M. SEXTON AND )  
15 PROPERTY PROS, INC., )  
Respondents. )

NO. H-1827 FRESNO

ACCUSATION

16 The Complainant, Steven J. Ellis, a Deputy Real Estate  
17 Commissioner of the State of California for cause of Accusation  
18 against RAMAN S. ESSA (hereinafter "Respondent ESSA"), KERI M.  
19 SEXTON (hereinafter "Respondent SEXTON"), and PROPERTY PROS, INC.  
20 (hereinafter "Respondent PPI") is informed and alleges as  
21 follows:

22 FIRST CAUSE OF ACCUSATION

23 I

24 The Complainant, Steven J. Ellis, a Deputy Real Estate  
25 Commissioner of the State of California, makes this Accusation in  
26 his official capacity.

27 ///

1 II

2 Respondents are licensed and/or have license rights  
3 under the Real Estate Law, Part 1 of Division 4 of the California  
4 Business and Professions Code (hereinafter "Code") as follows:

5 (a) Respondent PPI as a corporate real estate broker.

6 (b) Respondent ESSA as a real estate broker dba Calvary  
7 Property Management and dba Hanging Gardens Realty.  
8 Respondent ESSA is also the designated officer of  
9 Respondent PPI.

10 (c) Respondent SEXTON as a real estate salesperson in the  
11 employ of Respondent PPI.

12 III

13 On or about August 29, 2002 escrow closed on the sale  
14 of the real property located at 1636 Teresa Street (hereinafter  
15 the "Property"). Respondent SEXTON on behalf of Respondent PPI,  
16 represented both the buyer, Bertha Philyaw (hereinafter  
17 "Philyaw"), and the seller, Eloise Willform (hereinafter  
18 "Willform") in the transaction.

19 IV

20 Respondents PPI and SEXTON received commissions on the  
21 above transaction for both the purchase money loan to Philyaw and  
22 the sale of the Property.

23 V

24 On or about August 29, 2002, Respondent SEXTON agreed  
25 to assist Philyaw in renting the Property by offering to find  
26 renters, collect rents, forward mortgage payments on the Property  
27 to the mortgage companies and pay the taxes.

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VI

During the period from August 31, 2002 to on or about June 5, 2003 Respondent SEXTON collected rents and deposits from or on behalf of tenants of the Property.

VII

During the period discussed in Paragraph VI above and subsequently Respondent led Philyaw to believe that she was making mortgage payments on Philyaw's behalf by showing her check made payable to the mortgage company.

VIII

The account on which the checks discussed in Paragraph VII above were drawn (Bank of America, North Geer Road Branch, San Francisco, Acct. #18349-02751), was closed August 27, 2002, before any of the checks were dated.

IX

On or about June 26, 2003, Philyaw first became aware that the mortgage payments were not being received by the mortgage companies.

X

Beginning on or about April 12, 2005 and continuing through the present, Respondents SEXTON and PPI have failed to retain and make available for examination and inspection by a designated representative of the Commissioner, the purchase contract and loan files executed or obtained by Respondents SEXTON and PPI in connection with the Philyaw transactions discussed herein.

///

1 XI

2 At all times mentioned herein, Respondent ESSA failed  
3 to exercise reasonable supervision over the activities of  
4 Respondent PPI, and permitted, ratified and/or caused the conduct  
5 described above. Respondent ESSA failed to reasonably or  
6 adequately review, oversee, inspect and manage the personnel and  
7 activities of Respondent PPI, and/or to establish reasonable  
8 policies, rules, procedures and systems for such review,  
9 oversight, inspection and management.

10 XII

11 The acts and/or omissions of Respondents PPI, SEXTON  
12 and ESSA described above are grounds for the revocation or  
13 suspension of the licenses of 1) Respondent PPI under Section  
14 10177(d) of the Code in conjunction with Section 10148 of the  
15 Code; 2) Respondent ESSA under Section 10177(h) of the Code and  
16 Section 10159.2 of the Code and Section 2725, Title 10,  
17 California Code of Regulations (hereinafter the "Regulations")  
18 both in conjunction with Section 10177(d) of the Code; and 3)  
19 Respondent SEXTON under Sections 10176(a), (e) and (i) and/or  
20 10177(j) of the Code.

21 SECOND CAUSE OF ACCUSATION

22 XIII

23 There is hereby incorporated in this second, separate  
24 and distinct, Cause of Accusation all of the allegations  
25 contained in Paragraphs I and II of the First Cause of Accusation  
26 with the same force and effect as if herein fully set forth.

27 ///

1 XIV

2 That at all times herein mentioned, Respondent PPI,  
3 engaged in the business of, acted in the capacity of, advertised,  
4 or assumed to act as a real estate broker in the State of  
5 California within the meaning of Section 10131(a) of the Code for  
6 or in expectation of compensation, by selling or offering to  
7 sell, buying or offering to buy, soliciting prospective sellers  
8 or purchasers of, soliciting or obtaining listings of, or  
9 negotiating the purchase, sale or exchange of real property or a  
10 business opportunity and Section 10131(d) of the Code, for or in  
11 expectation of compensation, by soliciting borrowers or lenders  
12 for or negotiating loans or collecting payments or performing  
13 services for borrowers or lenders or note owners in connection  
14 with loans secured directly or collaterally by liens on real  
15 property or on a business opportunity.

16 XV

17 On October 7 and October 20, 2004 an investigative  
18 audit was performed by the Department of the records and bank  
19 records of Respondent ESSA (Audit# FR 040018) for the period from  
20 January 1, 2004 through September 30, 2004, as said records  
21 related to its activities as a real estate broker.

22 XVI

23 Respondent ESSA maintained one bank account into which  
24 trust funds were placed for his activities. The account was  
25 located at Wells Fargo Bank, 3501 Tully Road, Modesto, CA 95356,  
26 Account #968-6689903.

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XVII

During the period covered by the audit Respondent ESSA failed to designate the account as a trust account in violation of Section 10145 of the Code and Section 2832 of the Regulations.

XVIII

For the period covered by the audit Respondent ESSA failed to maintain a daily balance of separate records for each beneficiary or transaction in violation of Section 2831.1 of the Regulations.

XIX

For the period covered by the audit Respondent ESSA failed to maintain a record of all trust funds received and disbursed in violation of Section 2831 of the Regulations.

XX

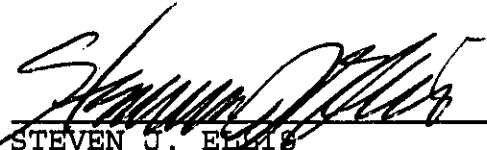
For the period covered by the audit Respondent ESSA maintained in excess of \$200.00 in the account discussed in Paragraph XVI above in violation of Section 10176(e) of the Code in conjunction with Section 2835 of the Regulations.

XXI

The acts and/or omissions of Respondent ESSA described above in this Second Cause of Accusation are grounds for the revocation or suspension of the licenses of Respondent ESSA under Section 10176(e) of the Code and section 10177(d) of the Code in conjunction with Section 10145 of the Code and Sections 2831, 2831.1, and 2832 of the Regulations.

///  
///

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

8  
9   
10 STEVEN J. ELLIS  
Deputy Real Estate Commissioner

11 Dated at Sacramento, California,  
12 this 25<sup>th</sup> day of August, 2005..  
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