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5	DEPARTMENT OF REAL ESTATE
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8	DEPARTMENT OF REAL ESTATE
9	STATE OF CALIFORNIA
10	* * * * {
11	In the Matter of the Accusation of ) NO. H-2049 SA
12	IRA MICHAEL SAKO )
13	Respondent. )
14	)
15	ORDER DENVING REINSTATEMENT OF LICENSE
16	On June 24, 1996, a Decision was rendered herein
17	revoking the real estate broker license of Respondent, IRA
18	MICHAEL SAKO (hereinafter "Respondent"), effective July 18,
19	1996. In said Decision Respondent was given the right to
20	apply for and receive a restricted real estate broker license
21	which was issued to him on July 17, 1996.
22	On October 1, 1997, Respondent petitioned for
23	reinstatement of said real estate broker license and the
24	Attorney General of the State of California has been given
25	notice of the filing of said petition.
26	I have considered the petition of Respondent and
27	the evidence submitted in support thereof. Respondent has
	failed to demonstrate to my satisfaction that he has
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undergone sufficient rehabilitation to warrant the reinstatement of his real estate broker license at this time. This determination has been made in light of Respondent's history of acts and conduct which are substantially related to the qualifications, functions and duties of a real estate licensee. That history includes:

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Respondent is presently serving as the designated 8 broker officer of Source Plus Financial Corporation (Source). 9 On or about January 26, 1998, an audit was completed by a 10 representative of the Department of Real Estate of the books 11 and records of Source for the period from January 1, 1997, to 12 December 31, 1997. This audit revealed that Source was 13 operating in violation of Sections 10145, 10234, 10242 and 14 10240 of the California Business and Professions Code (Code). 15 The fact that these violations occurred while Respondent was 16 acting as the designated officer of Source indicates a lack 17 of proper supervision by Respondent over the activities of 18 Source requiring a real estate license. This is cause for the 19 denial of Respondent's petition pursuant to Section 10177(h) 20 of the Code. 21

NOW, THEREFORE, IT IS ORDERED that Respondent's petition for reinstatement of license is denied.

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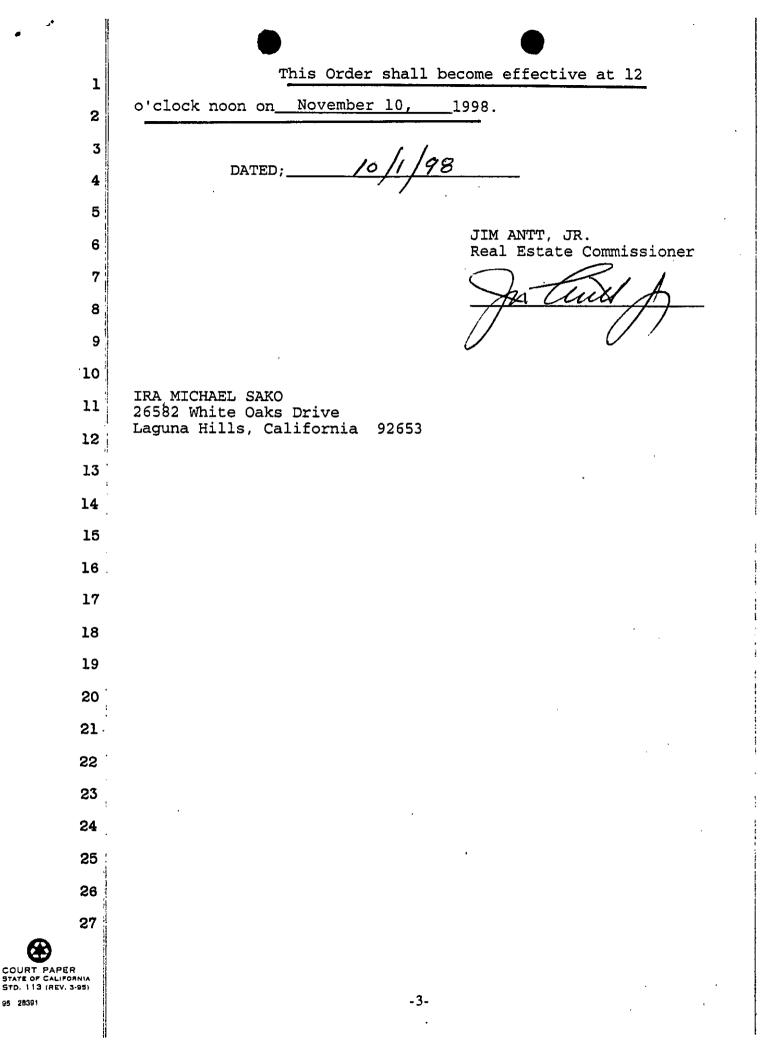
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1	Department of Real Estate	
2	Los Angeles, California 90012	
3	(213) 897-3937 JUN 2 8 1996	
4	DEPARTMENT OF REAL ESTATE	
5	By C.Se	
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. 8	DEPARTMENT OF REAL ESTATE	
9	STATE OF CALIFORNIA	
10	* * * *	
11	In the Matter of the Accusation of ) No. H-2049 SA )	
12	MAGNA FINANCIAL CORPORATION, ) a corporation, and )	
13	<u>IRA MICHAEL SAKO,</u> individually and as ) designated officer of Magna Financial )	
14	Corporation, )	
15	Respondents. )	
16 17	STIPULATION AND AGREEMENT IN SETTLEMENT AND ORDER	
18	Tt is hereby stipulated by and between Respondent	
19	MAGNA FINANCIAL CORPORATION, a corporation (hereinafter "MFC");	
20	and IRA MICHAEL SAKO, individually and as designated officer of	
21	Magna Financial Corporation (hereinafter "SAKO") (hereinafter	
22	sometimes referred to as "Respondents"), represented by Robert	
23	B. Adams, Esq., and the Complainant acting by and through Chris Leong, Counsel for the Department of Real Estate, as follows for	
24		
25	the purpose of settling and disposing of the Accusation filed on	
26	June 13, 1995, and Amendment to Accusation filed on July 13,	
27	1995, in this matter (hereinafter "the Accusation"):	

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A. All issues which were to be contested and all
evidence which was to be presented by Complainant and
Respondents 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.

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

12 On June 20, 1995, Respondents filed Notices of С. 13 Defense pursuant to Section 11505 of the Government Code for the 14 purpose of requesting a hearing on the allegations in the 15 Accusation. Respondents hereby freely and voluntarily withdraw 16 said Notices of Defense. Respondents acknowledge that they 17 understand that by not filing said Notices of Defense they will 18 thereby waive their right to require the Commissioner to prove 19 the allegations in the Accusation at a contested hearing held in 20 accordance with the provisions of the APA and that Respondents 21 will waive other rights afforded to them in connection with the 22 hearing, such as the right to present evidence in defense of the 23 allegations in the Accusation and the right to cross-examine 24 witnesses.

D. This Stipulation and Agreement in Settlement and Order ("Stipulation") is based on the factual allegations contained in Paragraphs 1 through 25 in the Accusation filed in

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this proceeding. In the interest of expedience and economy, Respondents choose not to contest these factual allegations, but to remain silent and understand that, as a result thereof, these factual statements, without being admitted or denied, will serve as a prima facie basis for the disciplinary action stipulated to herein. This Stipulation and the findings based on Respondents' decision not to contest the Accusation are hereby expressly limited to this proceeding and made for the sole purpose of reaching an agreed disposition of this proceeding. Respondents' decision not to contest the factual allegations is made solely for the purpose of effectuating this Stipulation and is intended by Respondents to be non-binding upon them in any actions against Respondents by third parties. The Real Estate Commissioner shall not be required to provide further evidence to prove such allegations.

E. It is understood by the parties that the Real Estate Commissioner may adopt the Stipulation as his decision in this matter thereby imposing the penalty and sanctions on Respondents' real estate licenses and license rights as set forth in the "Order" below. In the event that the Commissioner in his discretion does not adopt the Stipulation, the Stipulation shall be void and of no effect, and Respondents 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.

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## DETERMINATION OF ISSUES

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2 By reason of the foregoing stipulations, admissions 3 and waivers and solely for the purpose of settlement of the pending Accusation without a hearing, it is stipulated and 5 agreed that the following Determination of Issues shall be made: The acts and omissions of SAKO, described in 7 Paragraphs 1 through 25 of the Accusation, are cause for the 8 suspension or revocation of all real estate licenses and license 9 rights of Respondent under the provisions of Section 10177(h) of 10 the Code. 11 The acts and omissions of MFC, described in Paragraphs 12 1 through 25 of the Accusation, constitute a violation of 13 Sections 2830, 2831, 2831.2, 2834 and 2842.5 of the Regulations 14 which is cause for the suspension or revocation of all real 15 estate licenses and license rights of MFC under the provisions 16 of Section 10177(d) of the Code. 17 ORDER 18 WHEREFORE, THE FOLLOWING ORDER is hereby made: 19 The license and license rights of Respondent SAKO, Α. 20 under the provisions of Part 1 of Division 4 of the Business and 21 Professions Code, are hereby revoked commencing on the effective 22 date of the Decision entered herein. 23 A restricted real estate broker license shall be 24

A restricted real estate broker license shall be issued to Respondent SAKO, pursuant to Section 10156.5 of the Business and Professions Code, if Respondent makes application therefor, and pays to the Department of Real Estate the appropriate fee for said license within 120 days from the

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effective date of the Order herein. The restricted license issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the Code and to the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of the Code.

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(1) The restricted license 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 bears a significant relationship to Respondent's fitness or capacity as a real estate licensee.

(2) The restricted license may be suspended, prior to and pending final determination after formal hearing, by Order of the Real Estate Commissioner based upon 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 this restricted license.

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

(4) Respondent shall obey all laws of the United States, the State of California and its political subdivisions, and shall further obey and comply with all rules and regulations of the Real Estate Commissioner.

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1 (5) Respondent shall, within twelve (12) months from 2 the effective date of the restricted license, present evidence 3 satisfactory to the Real Estate Commissioner that he has, since the most recent issuance of an original or renewal real estate 4 5 license, taken and successfully completed the continuing 6 education requirements of Article 2.5 of Chapter 3 of the Real 7 Estate Law for renewal of a real estate license. If Respondent 8 fails to satisfy this condition, the Real Estate Commissioner 9 may order the suspension of the restricted license until 10 Respondent presents such evidence. The Real Estate Commissioner 11 shall afford Respondent the opportunity for a hearing pursuant 12 to the APA to present such evidence.

B. The license and license rights of Respondent MFC,
under the provisions of Part 1 of Division 4 of the Business and
Professions Code, are hereby revoked commencing on the effective
date of the Decision entered herein.

## EXECUTION OF STIPULATION

I have read the Stipulation and Agreement in

Settlement and Order 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

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3 1 xamine witnesses against me and to present evidence in cre 2 definise and mitigation of the charges. 3 4 6/3/96 5 DATED: MAGNA FINANCIAL CORPORATION 6 a corporation, Respondent 7 by Ira Michael Sako, designated officer of Magna 8 Financial Corporation, 9 10 Paleo 6/3/96 DATED: 11 IRA MICHAEL SAKO, individually and as 12 designated officer of Magna Financial Corporation, 13 Respondent 14 15 DATED: 6/10/96 16 ROBERT B. ADAMS, ESQ. Counsel for Respondent 17 6 114 196 18 19 DATED: CHRIS LEONG, ESQ. 20 Counsel for Complainant 21 22 23 24 25 26 27 OURT PAPER CALIFORNIA (REV. 3-95) -7-28301

The foregoing Stipulation and Agreement in Settlement is hereby adopted as the Decision and Order of the Real Estate Commissioner in the above-entitled matter with respect to Respondents MAGNA FINANCIAL CORPORATION, a corporation and IRA MICHAEL SAKO, individually and as designated officer of Magna Financial Corporation This Decision shall become effective at 12 o'clock July 18, 1996 noon on IT IS SO ORDERED JIM ANTT, JR. Real Estate Commissioner lu ALIFORNIA (REV. 3-95) -8-

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-	- 1	CHRISTOPHER K.D. LEONG, Counsel Department of Real Estate	
	2	107 South Broadway, Room 8107 Los Angeles, CA 90012	
	3	(213) 897-3937	DEPARTMENT OF REAL ESTATE
	4		
	5		By C. Bang
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	8	DEPARTMENT OF REAL EST	TATE
	9	STATE OF CALIFORNIA	4
	10	· * * * * * *	
	11	In the Matter of the Accusation of	) No. H-2049 SA )
	12	MAGNA FINANCIAL CORPORATION, a corporation and	) <u>AMENDMENT TO</u> ) <u>ACCUSATION</u>
	13	IRA MICHAEL SAKO, individually and as designated officer of Magna Financial	)
	14	Corporation,	, ) )
	15	Respondents.	, ) )
	16		,
	17	The Accusation heretofore filed	on June 13, 1995, in the
	18	above-mentioned matter is hereby amended as	s follows:
	19	19.	
	20	Complainant incorporates by refe	rence Paragraphs 1
	21	through 18, of his Accusation filed on June	e 13, 1995.
	22	20.	
	23	From 1990 to present, Bruce Alan	Bouldin (hereinafter
	24	"Bouldin") was licensed as a real estate b	roker. In 1993, Bouldin
	25	was employed by MFC as a loan officer.	
• •	26	. 21.	
	27	In the course of this employment	, Bouldin was processing
	COURT PAPER STATE OF CALIFORNIA STD. 113 (REV. 8-72)	- 1 -	
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loans for Gary & Raediz Leclair and Thomas & Connie Bouldin. 1 22. 2 In 1993, Denise Denning (hereinafter Denning") and Edie 3 Le (hereinafter "Le") were employees of MFC. Denning and Le on 4 behalf of MFC, forged the signatures of Bouldin, Gary & Raediz 5 Leclair and Thomas & Connie Bouldin on loan documents. 6 23. 7 When these forgeries were discovered, Jeff Myers, the 8 office manager of MFC, and SAKO, knowingly covered up the 9 forgeries. 10 THIRD CAUSE OF ACCUSATION 11 (Violation by Respondents of Section 10177(j) of the Code) 12 24. 13 As a Third Cause of Accusation, Complainant incorporates 14 herein by this reference the Preamble and each of the allegations 15 in Paragraphs 1 through 23, herein above. 16 25. 17 The conduct of Respondents, in allowing the forgeries to 18 occur, and covering up the forgeries after discovery, as alleged 19 in Paragraphs 19 through 24, constitutes fraud and/or dishonest 20 dealing. Said conduct is cause pursuant to Section 10177(j) of 21 the Code for the suspension or revocation of all licenses and 22 ' license rights of Respondents under Real Estate Law. 23 <sup>|</sup> 24 25 26 27 ( APER ALLEORNIA - 2 -

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•/<sup>3\*</sup> WHEREFORE, Complainant prays that a hearing be conducted 1 on the allegations of this Accusation and that upon proof thereof, 2 a decision be rendered imposing disciplinary action against all 3 licenses and license rights of Respondent, MAGNA FINANCIAL 4 CORPORATION, a corporation and IRA MICHAEL SAKO, individually and 5 as designated officer of Magna Financial Corporation, under the 6 Real Estate Law (Part 1 of Division 4 of the Business and 7 Professions Code), and for such other and further relief as may be 8 proper under other applicable provisions of law. 9 Dated at Santa Ana, California 10 this 13th day of July, 1995. 11 12 13 THOMAS MCCRADY Deputy Real Estate Commissioner 14 15 16 17 18 19 20 21 22 23 24 Magna Financial Corporation cc: 25 Ira Michael Sako Sacto. 26 WJH Audit Section 27 COURT PAPER STD. 113 (REV. 3-95) - 3 -

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	1 2	CHRISTOPHER K.D. LEONG, Counsel Department of Real Estate 107 South Broadway, Room 8107 Los Angeles, CA 90012	
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	8	DEPARTMENT OF REAL EST	'ATE
	9	STATE OF CALIFORNIA	
	10	* * * * *	
	11	In the Matter of the Accusation of	) No. H-2049 SA )
	12	MAGNA FINANCIAL CORPORATION, a corporation and	) ) <u>accusatio</u> n
	13	IRA MICHAEL SAKO, individually and as designated officer of Magna Financial	) )
	14	Corporation,	)
	15	Respondents.	)
	16	The Complainant, Thomas McCrady,	a Deputy Real Estate
	17	Commissioner of the State of California, fo	or cause of Accusation
	18	against MAGNA FINANCIAL CORPORATION, a corp	oration (hereinafter
1	19	"MFC") and IRA MICHAEL SAKO, individually a	and as designated
	20	officer of Magna Financial Corporation (her	einafter "SAKO")
	21	(hereinafter sometimes referred to as "Resp	oondents"), is informed
	22	and alleges as follows.	
	23	1.	
	24	The Complainant, Thomas McCrady,	a Deputy Real Estate
	25	Commissioner of the State of California, ma	kes this Accusation
	26	against Respondents in his official capacit	.y.
	27		
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2. 1 All Sections of Title 10, Chapter 6, California Code of 2 Regulations, are hereinafter referred to as "Regulations". 3 3. 4 At all times herein mentioned, SAKO was and still is 5 licensed by the Department of Real Estate of the State of 6 California (hereinafter "Department") as a real estate broker 7 and in his individual capacity and/or as the designated officer 8 of MFC. 9 4. 10 On or about April 4, 1983, MFC was licensed by the 11 Department as a corporate real estate broker. On or about 12 13 April 3, 1995, this license expired. However, Respondent MFC 14 retains a two year right of renewal. 5. 15 At all times material herein, Respondent SAKO was and 16 still is licensed by the Department as the designated officer of 17 MFC, and was responsible for the supervision and control of the 18 activities conducted on behalf of the corporation by its 19 officers and employees as necessary to secure full compliance 20 with the Real Estate Law as set forth in Section 10159.2 of the 21 Code. 22 6. 23 All further references to MFC shall be deemed to refer 24 to, in addition to MFC, the officers, directors, employees, 25 agents and real estate licensees employed by or associated with 26 MFC, who at all times herein mentioned were engaged in the 27

COURT PAPER STATE OF CALIFORNIA STD. 113 (REV. 8-72)

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furtherance of the business or operations of said parties and 1 who were acting within the course and scope of their corporate 2 authority and employment. 3

7.

At all times mentioned herein, in Los Angeles County, 5 California, SAKO and MFC engaged in the business of, acted in 6 the capacity of, advertised or assumed to act as real estate 7 brokers in the State of California, within the meaning of 8 Section 10131(d) of the Code, wherein they arranged, negotiated, 9 processed, and consummated on behalf of others, loans secured by 10 interests in real property for compensation or in expectation of 11 In addition, Respondents conducted escrows for compensation. 12 these transactions under Section 17006 of the Financial Code. 13 AUDIT - MORTGAGE LOAN BROKERAGE 14

8.

On or about May 23, 1994, the Department completed an 16 audit of the activities of Respondents, for the period from 17 April 1, 1993 through April 30, 1994. Audit number SA 930126 was 18 conducted regarding the mortgage loan brokerage activity of 19 Respondents. The results of that audit are set forth in 20 Paragraphs 9 through 11. 21

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9.

During 1993 and 1994, in connection with their real 23 estate business activities, Respondents accepted or received funds 24 in trust (hereinafter "trust funds") from or on behalf of 25 borrowers and thereafter made disbursements of such funds. These 26 trust funds were maintained by Respondents in two bank accounts at 27

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1	Union Bank, Laguna Hills Office, 23511 Paseo de Valencia, Laguna		
2	Hills, CA. The first account was Account No. 0690016192, known as		
3	Magna Financial Corporation Trust Account (hereinafter "TA#1").		
4	The second account was Account Number 069005441, known as Magna		
5	Financial Corporation Application Account (hereinafter "A#2").		
6	10.		
7	In connection with those funds described in Paragraph 9,		
8	Respondents:		
9	(a) failed to maintain a columnar record for all trust		
10	funds received and disbursed for A#2, in violation of Section 2831		
11	of the Regulations;		
12	(b) failed to reconcile the balance of all beneficiary		
13	or transaction records to determine the broker's liabilities to		
14	each of the principals beneficiaries or transactions for A#2, in		
15	violation of Section 2831.2 of the Regulations;		
16	(c) failed to designate A#2 as a trust account, in		
17	violation of Section 2830 of the Regulations;		
18	(d) allowed two unlicensed unbonded persons, Joyce Sako		
19	and Pamela De Monte, to be signatories on $A#2$ , in violation of		
20	Section 2834 of the Regulations;		
21	(e) failed to disclose to borrowers, in writing, that		
22	they received a rebate from the lenders as additional compensation		
23	for processing transactions for clients, including: T. & C.		
24	Bouldin, G. & R. LeClair, G. & P. Foote, G. & D. Irwin, S. & S.		
25	Bentley, K. Baer, K. & M. Go, J. & M. Kubota, D. & K. Haywood, in		
26	violation of Section 10176(g) of the Code;		
27	(f) failed to obtain the required Mortgage Loan		
R			

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Disclosure Statements from borrowers, including: T. & C. Bouldin, 1 G. & R. LeClair, G. & P. Foote, G. & D. Irwin, S. & S. Bentley, 2 K. Baer, K. & M. Go, J. & M. Kubota, D. & K. Haywood, in violation 3 of Section 10240 of the Code and Section 2842.5 of the 4 Regulations; 5 (q) SAKO failed to review, initial and date documents 6 prepared by his licensees for clients, including: T. & C. 7 Bouldin, G. & R. LeClair, G. & P. Foote, G. & D. Irwin, S. & S. 8 Bentley, K. Baer, K. & M. Go, J. & M. Kubota, D. & K. Haywood, in 9 violation of Section 2725 of the Regulations. 10 11. 11 Respondents violated Section 10145 of the Code and 12 Regulation 2832.1 by disbursing or allowing the disbursement of 13 funds from TA#1, without prior written consent of every principal 14 who then was an owner of trust funds in said account wherein the 15 disbursement reduced the balance of funds in the combined 16 accounts, as of April 30, 1994, to amounts which were 17 approximately \$19.21, less than the existing aggregate trust fund 18 liability to all owners of said trust funds. Also, TA#2 had a 19 variance of \$73.26. · 20 AUDIT - BROKER ESCROW 21 12. 22 On or about May 24, 1994, the Department completed an 23 audit of the activities of Respondents, for the period from 24 April 1, 1993 through April 30, 1994. Audit number LA 930241 25 was conducted regarding the broker escrow activity of 26 Respondents. The results of that audit are set forth in 27

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Paragraphs 13 and 14. 1 13. 2 During 1993 and 1994, in connection with their real 3 estate business activities, Respondents accepted or received funds 4 in trust (hereinafter "trust funds") from or on behalf of 5 borrowers and thereafter made disbursements of such funds. These 6 trust funds were maintained by Respondents in one bank account at 7 Union Bank, South Orange County Regional Office, 18300 Von Karman 8 Ave. Irvine, CA, Account No. 4550-123296, known as Magna Financial 9 Corporation Escrow Division (hereinafter "Escrow TA#1"). 10 14. 11 In connection with those funds described in Paragraph 12 14, Respondents: 13 allowed unlicensed, unbonded persons, Joyce Sako, (a) 14 Lorrie Cole and Suzanne Doung, to be signatories on Escrow TA#1, 15 in violation of Section 2834 of the Regulations. 16 FIRST CAUSE OF ACCUSATION 17 (Violation by Respondents of Sections 10145, 10176(g), 10240 and 18 10177(d) of the Code and Sections 2725, 2830, 2831, 2831.2, 2832.1 19 and 2834 of the Regulations) 20 15. 21 As a First Cause of Accusation, Complainant incorporates 22 herein by this reference the Preamble and each of the allegations 23 in Paragraphs 1 through 14, herein above. 24 16. 25 The conduct of Respondents in handling trust funds to 26 perform mortgage loan brokerage activities, as alleged in 27

COURT PAPER STATE OF CALIFORNIA STD. 113 (REV. 8-72)

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· ' 1	Paragraphs 8 through 12, constitutes violations under Sections
2	10145, 10176(g), 10240 and 10177(d) of the Code and Sections 2725,
3	2830, 2831, 2831.2, 2832.1 and 2834 of the Regulations. Said
4	conduct is cause pursuant to Section 10177(d) of the Code for the
5	suspension or revocation of all licenses and license rights of
6	Respondents under Real Estate Law.
7	SECOND CAUSE OF ACCUSATION
8	(Violation by Respondent SAKO of Sections 10159.2 and
9	10177(h) of the Code)
10	17.
11	As a Third Cause of Accusation, Complainant
12	incorporates herein by this reference the Preamble and each of
13	the allegations in Paragraphs 1 through 14, herein above.
14	18.
15	The conduct of Respondent SAKO in allowing Respondent
16	MFC to violate Sections 10145, 10176(g), 10240 and 10177(d) of
17	the Code and Sections 2725, 2830, 2831, 2831.2, 2832.1 and 2834
18	of the Regulations is cause for the suspension or revocation of
, 19	all licenses and license rights of Respondent SAKO under Real
20	Estate Law, pursuant to Sections 10159.2 and 10177(h) of the
21	Code.
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. · · · 1	WHEREFORE, Complainant prays that a hearing be conducted
2	on the allegations of this Accusation and that upon proof thereof,
3	a decision be rendered imposing disciplinary action against all
4	licenses and license rights of Respondent, MAGNA FINANCIAL
5	CORPORATION, a corporation and IRA MICHAEL SAKO, individually and
6	as designated officer of Magna Financial Corporation, under the
7	Real Estate Law (Part 1 of Division 4 of the Business and
8	Professions Code), and for such other and further relief as may be
. 9	proper under other applicable provisions of law.
10	Dated at Santa Ana, California
11	this 13th day of June, 1995.
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13	THOMAS McCRADY Deputy Real Estate Commissioner
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/ 19	· · · · ·
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24	cc: Magna Financial Corporation
25	Ira Michael Sako Sacto.
26	WJH Audit Section
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