

1 DEPARTMENT OF REAL ESTATE  
2 P. O. Box 187007  
3 Sacramento, CA 95818-7007  
4 Telephone: (916) 227-0789

FILED

JUL - 7 2009

DEPARTMENT OF REAL ESTATE

By K. Contreras

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

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10 In the Matter of the Accusation of ) NO. H-2259 FR  
11 )  
12 ABEL PROPERTY MANAGEMENT, ) STIPULATION AND AGREEMENT  
13 INC., and, JOHN SCOTT ABEL, ) IN SETTLEMENT  
14 Respondents. ) AND ORDER

15 It is hereby stipulated by and between Respondent JOHN SCOTT ABEL only  
16 (herein the "Respondent"), represented in this matter by attorney Reid Paul Schantz, and the  
17 Complainant, acting by and through Daniel E. Kehew, Counsel for the Department of Real Estate  
18 (herein "the Department"), as follows for the purpose of settling and disposing of the Accusation  
19 filed on May 13, 2008 in this matter:

20 1. All issues which were to be contested and all evidence which was to be  
21 presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing  
22 was to be held in accordance with the provisions of the Administrative Procedure Act (APA),  
23 shall instead and in place thereof be submitted solely on the basis of the provisions of this  
24 Stipulation and Agreement in Settlement.

25 2. Respondent has received, read and understands the Statement to Respondent,  
26 the Discovery Provisions of the APA, and the Accusation filed by the Department of Real Estate  
27 in this proceeding.

1                   3. A Notice of Defense was filed on May 29, 2008 by Respondent, pursuant to  
2 Section 11505 of the Government Code for the purpose of requesting a hearing on the allegations  
3 in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice of Defense.  
4 Respondent acknowledges that he understands that by withdrawing said Notice of Defense he  
5 will thereby waive his right to require the Commissioner to prove the allegations in the  
6 Accusation at a contested hearing held in accordance with the provisions of the APA and that he  
7 will waive other rights afforded to him in connection with the hearing such as the right to present  
8 evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses.

9                   4. Respondent, pursuant to the limitations set forth below, hereby admits that  
10 the factual allegations pertaining to him in the Accusation filed in this proceeding are true and  
11 correct and the Real Estate Commissioner shall not be required to provide further evidence of  
12 such allegations.

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

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

24                   7. Respondent understands that by agreeing to this Stipulation and Agreement,  
25 Respondent, jointly and severally, agrees to pay with co-respondent Abel Property Management,  
26 Inc., pursuant to Section 10148 of the California Business and Professions Code (herein "Code"),  
27 the cost of the audit which resulted in the determination that Respondent and his co-respondent

1 committed the trust fund violation(s) found in Paragraph I, below, of the Determination of Issues.  
2 The amount of said costs is \$11,170.55.

3 8. Respondent further understands that by agreeing to this Stipulation and  
4 Agreement in Settlement, the findings set forth below in the Determination of Issues become  
5 final, and that the Commissioner may charge Respondent and Abel Property Management, Inc.,  
6 jointly and severally, for the costs of any audit conducted pursuant to Section 10148 of the Code  
7 to determine if the trust fund violation(s) found in Paragraph I, below, of the Determination of  
8 Issues have been corrected. The maximum costs of said audit shall not exceed \$11,170.55.

9 DETERMINATION OF ISSUES

10 I

11 The acts and omissions of Respondents ABEL and ABEL PROPERTY  
12 MANAGEMENT, INC., as described in the Accusation are grounds for the suspension or  
13 revocation of the licenses and license rights of Respondents ABEL and ABEL PROPERTY  
14 MANAGEMENT, INC., under the following provisions of the Code and/or Chapter 6, Title 10,  
15 California Code of Regulations (herein "the Regulations"):

- 16 (a) As to Paragraph X(a) under Section 10145 of the Code and Section  
17 2831 of the Regulations in conjunction with Section 10177(d) of the  
18 Code;
- 19 (b) As to Paragraph X(b) under Section 10145 of the Code and Section  
20 2831.1 of the Regulations in conjunction with Section 10177(d) of  
21 the Code;
- 22 (c) As to Paragraph X(c) under Section 10145 of the Code and Section  
23 2831.2 of the Regulations in conjunction with Section 10177(d) of  
24 the Code;
- 25 (d) As to Paragraphs X(d) under Section 10145 of the Code and Section  
26 2832 of the Regulations in conjunction with Section 10177(d) of the  
27 Code;

- 1 (e) As to Paragraphs X(e) under Section 10145 of the Code and Section 2834  
2 of the Regulations in conjunction with Section 10177(d) of the Code;  
3 (f) As to Paragraphs X(f) under Section 10176(e) of the Code; and,  
4 (g) As to Paragraph XI under Section 10130 of the Code in conjunction  
5 with Section 10177(d) of the Code.

6 II

7 The facts described in Paragraph I of the Determination of Issues, above,  
8 constitute cause for the suspension or revocation of the licenses and license rights of Respondent  
9 ABEL under Section 10177(g) and/or Section 10177(h) of the Code and Section 10159.2 of the  
10 Code in conjunction with Section 10177(d) of the Code.

11 ORDER

12 All licenses and licensing rights of Respondent ABEL under the Real Estate Law  
13 are revoked; provided, however, a restricted real estate salesperson license shall be issued to  
14 Respondent ABEL pursuant to Section 10156.5 of the Code, if Respondent makes application  
15 therefor and pays to the Department the appropriate fee for the restricted license within 90 days  
16 from the effective date of this Decision. The restricted license issued to Respondent shall be  
17 subject to all of the provisions of Section 10156.7 of the Code and to the following limitations,  
18 conditions, and restrictions imposed under authority of Section 10156.6 of the Code:

- 19 1. The restricted license issued to Respondent may be suspended prior to hearing by  
20 Order of the Real Estate Commissioner in the event of Respondent's conviction or  
21 plea of nolo contendere to a crime that is substantially related to Respondent's  
22 fitness or capacity as a real estate licensee.
- 23 2. The restricted license issued to Respondent may be suspended prior to hearing by  
24 Order of the Real Estate Commissioner on evidence satisfactory to the  
25 Commissioner that Respondent has violated provisions of the California Real  
26 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate  
27 Commissioner or conditions attaching to the restricted license.

1 3. Respondent shall not be eligible to apply for the reissuance of an unrestricted  
2 real estate broker license nor the removal of any of the conditions, limitations,  
3 or restrictions attaching to the restricted salesperson license until two years  
4 have elapsed from the date of issuance of the restricted license to  
5 Respondent.

6 4. Respondent shall submit with any application for license under an employing  
7 broker, or with the application for transfer to a new employing broker, a  
8 statement signed by the prospective employing broker on a form approved by  
9 the Department of Real Estate wherein the employing broker shall certify as  
10 follows:

11 a. That the employing broker has read the Accusation that is the basis for  
12 the issuance of the restricted license; and

13 b. That the employing broker will exercise close supervision over the  
14 Respondent's performance relating to acts for which a license is  
15 required.

16 5. Respondent shall, within nine (9) months from the effective date of this Decision,  
17 present evidence satisfactory to the Real Estate Commissioner that Respondent  
18 has, since the most recent issuance of an original or renewal real estate license,  
19 taken and successfully completed the continuing education requirements of  
20 Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license.  
21 If Respondent fails to satisfy this condition, the Commissioner may order the  
22 suspension of the restricted license until the Respondent presents such evidence.  
23 The Commissioner shall afford Respondent the opportunity for hearing pursuant to  
24 the APA to present such evidence.

25 6. Respondent shall, within six (6) months from the issuance of the restricted  
26 license, take and pass the Professional Responsibility Examination administered  
27 by the Department, including the payment of the appropriate examination fee. If

1 Respondent fails to satisfy this condition, the Commissioner may order the  
2 suspension of the restricted license until Respondent passes the examination.

3 7. Pursuant to Section 10148 of the Code, Respondent shall, jointly and severally, with  
4 Respondent Abel Property Management, Inc., pay the sum of \$11,170.55 for the  
5 Commissioner's cost of the audit which led to this disciplinary action.

6 Respondent(s) shall pay such cost within 60 days of receiving an invoice therefor  
7 from the Commissioner. The Commissioner may indefinitely suspend all licenses  
8 and licensing rights pending a hearing held in accordance with Section 11500, et  
9 seq., of the Government Code, if payment is not timely made as provided for  
10 herein, or as provided for in a subsequent agreement between Respondent(s) and  
11 the Commissioner. The suspension shall remain in effect until payment is made  
12 in full or until Respondent(s) enter into an agreement satisfactory to the  
13 Commissioner to provide for payment, or until a decision providing otherwise is  
14 adopted following a hearing held pursuant to this condition.

15 8. Respondent shall, jointly and severally, with Respondent Abel Property  
16 Management, Inc., pay the Commissioner's costs, not to exceed \$11,170.55, of  
17 any audit conducted pursuant to Section 10148 of the Code to determine if  
18 Respondent(s) have corrected the violations described in Paragraph I of the  
19 Determination of Issues, above. In calculating the amount of the Commissioner's  
20 reasonable cost, the Commissioner may use the estimated average hourly salary  
21 for all persons performing audits of real estate brokers, and shall include an  
22 allocation for travel time to and from the auditor's place of work. Respondent(s)  
23 shall pay such cost within 60 days of receiving an invoice therefore from the  
24 Commissioner detailing the activities performed during the audit and the amount  
25 of time spent performing those activities. If Respondent(s) fail to pay such cost  
26 within the 60 days, the Commissioner may indefinitely suspend all licenses and  
27 licensing rights of Respondent(s) under the Real Estate Law until payment is

1 made in full or until Respondent(s) enter into an agreement satisfactory to the  
2 Commissioner to provide for payment. Upon payment in full, the indefinite  
3 suspension provided in this paragraph shall be stayed.

4 3/25/09

5 DATED

Daniel E. Kehew

6 DANIEL E. KEHEW, Counsel  
7 Department of Real Estate

8 \* \* \*

9 I have read the Stipulation and Agreement and its terms are understood by me and  
10 are agreeable and acceptable to me. I understand that I am waiving rights given to me by the  
11 California APA (including but not limited to Sections 11506, 11508, 11509, and 11513 of the  
12 Government Code), and I willingly, intelligently, and voluntarily waive those rights, including  
13 the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at  
14 which I would have the right to cross-examine witnesses against me and to present evidence in  
15 defense and mitigation of the charges.

16 3-26-09

17 DATED

John Scott Abel  
18 JOHN SCOTT ABEL, Respondent

19 APPROVED AS TO FORM:

20 MARCH 26, 2009

21 DATED

Reid Paul Schantz  
22 REID PAUL SCHANTZ  
23 Counsel to Respondent

24 \* \* \*

25 The foregoing Stipulation and Agreement in Settlement and Order is hereby  
26 adopted by me as my Decision in this matter and shall become effective at 12 o'clock noon on

27 July 27, 2009.

IT IS SO ORDERED 7-1, 2009.

JEFF DAVI  
Real Estate Commissioner

Barbara J. Bigby  
BY: Barbara J. Bigby  
Chief Deputy Commissioner

JOHN SCOTT ABEL, Only

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FILED

JUL - 7 2009

DEPARTMENT OF REAL ESTATE

By K. Contreras

BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Accusation of	)	
ABEL PROPERTY MANAGEMENT, INC.,	)	NO. H-2259 FR
a Corporation, and	)	
JOHN SCOTT ABEL,	)	
Respondents.	)	

ORDER ACCEPTING VOLUNTARY SURRENDER

On May 13, 2008, an Accusation was filed in this matter against Respondents ABEL PROPERTY MANAGEMENT, INC., a Corporation, and JOHN SCOTT ABEL.

By Declaration, signed by Robyn Kissler on February 10, 2009, Respondent ABEL PROPERTY MANAGEMENT, INC., only, petitioned the Real Estate Commissioner to voluntarily surrender its real estate license(s) pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that the petition of Respondent ABEL PROPERTY MANAGEMENT, INC., only, for the voluntary surrender of its real estate license(s) is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in the Declaration signed by Robyn Kissler on behalf



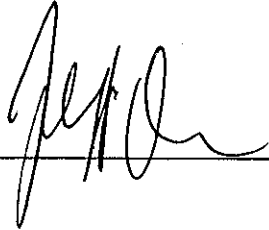
1 of Respondent ABEL PROPERTY MANAGEMENT, INC., only, dated February 10, 2009  
2 (attached hereto as Exhibit "A").

3 This Order shall become effective at 12 o'clock noon on

4 July 27, 2009.

5  
6 DATED: 6 - 16, 2009.

7 JEFF DAVI  
8 Real Estate Commissioner

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BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

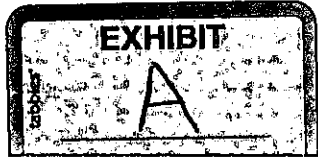
\* \* \*

In the Matter of the Accusation of )  
 )  
ABEL PROPERTY MANAGEMENT, INC., ) NO. H-2259 FR  
 )  
Respondent. )

DECLARATION

My name is ROBYN KISSLER and I am currently an officer of ABEL PROPERTY MANAGEMENT, INC., which is licensed as a real estate broker and/or has license rights with respect to said license. I am authorized and empowered to sign this declaration on behalf of ABEL PROPERTY MANAGEMENT, INC. ABEL PROPERTY MANAGEMENT, INC., is represented in this matter by Mary Work, Attorney at Law.

In lieu of proceeding in this matter in accordance with the provisions of the Administrative Procedure Act (Sections 11400 et seq., of the Government Code) ABEL PROPERTY MANAGEMENT, INC., wishes to voluntarily surrender its



1 real estate license issued by the Department of Real Estate  
2 ("Department"), pursuant to Business and Professions Code  
3 Section 10100.2.


4 I understand that ABEL PROPERTY MANAGEMENT, INC., by so  
5 voluntarily surrendering its license, can only have it reinstated  
6 in accordance with the provisions of Section 11522 of the  
7 Government Code. I also understand that by so voluntarily  
8 surrendering its license, ABEL PROPERTY MANAGEMENT, INC. agrees  
9 to the following:

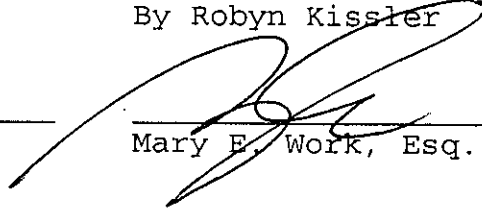
10 The filing of this Declaration shall be deemed as its  
11 petition for voluntary surrender. It shall also be deemed to be  
12 an understanding and agreement by ABEL PROPERTY MANAGEMENT, INC.  
13 that, it waives all rights it has to require the Commissioner to  
14 prove the allegations contained in the Accusation filed in this  
15 matter at a hearing held in accordance with the provisions of the  
16 Administrative Procedure Act (Government Code Sections 11400 et  
17 seq.), and that it also waives other rights afforded to it in  
18 connection with the hearing such as the right to discovery, the  
19 right to present evidence in defense of the allegations in the  
20 Accusation and the right to cross-examine witnesses. I further  
21 agree on behalf of ABEL PROPERTY MANAGEMENT, INC. that upon  
22 acceptance by the Commissioner, as evidenced by an appropriate  
23 order, all affidavits and all relevant evidence obtained by the  
24 Department in this matter prior to the Commissioner's acceptance,  
25 and all allegations contained in the Accusation filed in the  
26 Department Case No. H-2259 FR, may be considered by the  
27 Department to be true and correct for the purpose of deciding



1 whether or not to grant reinstatement of ABEL PROPERTY  
2 MANAGEMENT, INC.'s license pursuant to Government Code Section  
3 11522.

4 I declare under penalty of perjury under the laws of  
5 the State of California that the above is true and correct and  
6 that I am acting freely and voluntarily on behalf of ABEL  
7 PROPERTY MANAGEMENT, INC. to surrender its license and all  
8 license rights attached thereto.

9 2/10/09 Scotts Valley CA   
10 Date and Place ABEL PROPERTY MANAGEMENT  
11 By Robyn Kissler

12 2/17/09   
13 Date and Place Mary E. Work, Esq.

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1 DANIEL E. KEHEW, Counsel (SBN 231550)  
2 Department of Real Estate  
3 P. O. Box 187007  
4 Sacramento, CA 95818-7007

5 Telephone: (916) 227-0789  
6 -or- (916) 227-0425 (Direct)

FILED

MAY 13 2008

DEPARTMENT OF REAL ESTATE

By K. Mar

7 BEFORE THE DEPARTMENT OF REAL ESTATE  
8 STATE OF CALIFORNIA

9 \* \* \*

10 In the Matter of the Accusation of )  
11 ABEL PROPERTY MANAGEMENT, INC., ) H-2259 FR  
12 a California Corporation, and, )  
13 JOHN SCOTT ABEL, ) ACCUSATION  
14 Respondents. )

15 The Complainant, JOHN SWEENEY, a Deputy Real Estate  
16 Commissioner of the State of California, for cause of Accusation  
17 against ABEL PROPERTY MANAGEMENT, INC, a California corporation  
18 (herein "APMI") and JOHN SCOTT ABEL (herein "ABEL") is informed  
19 and alleges as follows:

20 I

21 The Complainant, JOHN SWEENEY, a Deputy Real Estate  
22 Commissioner of the State of California, makes this Accusation  
23 in his official capacity.

24 II

25 At all times herein mentioned, Respondents APMI, from  
26 and after July 3, 2007, and ABEL were and now are licensed and/or  
27 have license rights under the Real Estate Law (Part 1 of Division  
4 of the Business and Professions Code) (herein "the Code").

1 III

2 At all times herein mentioned from and after July 3,  
3 2007, Respondent APMI was and now is licensed by the Department of  
4 Real Estate of the State of California (herein "the Department")  
5 as a corporate real estate broker by and through Respondent ABEL  
6 as designated officer-broker of Respondent APMI to qualify said  
7 corporation and to act for said corporation as a real estate  
8 broker. At no time mentioned herein prior to July 3, 2007, was  
9 Respondent APMI licensed by the Department in any capacity.

10 IV

11 At all times herein mentioned, Respondent ABEL was and  
12 now is licensed by the Department as an individual broker and,  
13 from and after July 3, 2007, as designated officer-broker of  
14 Respondent APMI. As said designated officer-broker, Respondent  
15 ABEL was at all such times mentioned herein responsible pursuant  
16 to Section 10159.2 of the Code for the supervision of the  
17 activities of the officers, agents, real estate licensees, and  
18 employees of Respondent APMI for which a license is required.

19 V

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

1 VI

2 At all times herein mentioned, Respondents APMI and  
3 ABEL (herein "Respondents") engaged in the business of, acted in  
4 the capacity of, advertised, or assumed to act as real estate  
5 brokers within the State of California within the meaning of  
6 Sections 10131(b) of the Code, including the operation and  
7 conduct of a property management business with the public  
8 wherein, on behalf of others, for compensation or in expectation  
9 of compensation, Respondents leased or rented and offered to  
10 lease or rent, and placed for rent, and solicited listings of  
11 places for rent, and solicited for prospective tenants of real  
12 property or improvements thereon, and collected rents from real  
13 property or improvements thereon.

14 VII

15 In so acting as real estate brokers, as described in  
16 Paragraph VI above, Respondents managed approximately 22  
17 residential properties for approximately 30 owners, collecting  
18 rents of approximately \$315,000.00 per month from tenants, paying  
19 expenses, and screening tenants.

20 VIII

21 In so acting as real estate brokers, as described in  
22 Paragraph VI and VII above, Respondents accepted or received  
23 funds in trust (herein "trust funds") from or on behalf of  
24 owners and tenants in connection with the leasing, renting, and  
25 collection of rents on real property or improvements thereon, as  
26 alleged herein, and thereafter from time to time made  
27 disbursements of said funds.

IX

The aforesaid trust funds accepted or received by Respondents were deposited or caused to be deposited by Respondents into bank accounts (herein "trust fund accounts") maintained by Respondent APMI for the handling of funds entrusted to Respondent APMI, including but not necessarily limited to the following accounts maintained by Respondent APMI at the Scotts Valley, California, branch of Washington Mutual Bank:

- (a) the "Abel Property Management, Inc. Trust Account", account number 097-170307-2 (herein "Trust #1"); and,
- (b) the "Abel Property Management Inc. - Seapines" account, account number 097-170306-4 (herein "Bank Account #1").

X

Between on or about March 1, 2006, and on or about December 31, 2006, in connection with the collection and disbursement of said trust funds, Respondents APMI and ABEL:

- (a) failed to keep a columnar record in chronological sequence of all trust funds received and disbursed from Trust #1 and Bank Account #1 containing all the information required by Section 2831 of Title 10, California Code of Regulations (herein "the Regulations");
- (b) failed to keep a separate beneficiary or transaction record in chronological sequence of all trust funds received and disbursed from Trust #1 containing all the information required by Section 2831.1 of the Regulations;



- 1 (c) failed to reconcile, at least once a month, the balance  
2 of all separate beneficiary or transaction records with  
3 the record of all trust funds received into and  
4 disbursed from Trust #1;
- 5 (d) failed to place trust funds entrusted to Respondent  
6 APMI into the hands of a principal on whose behalf the  
7 funds were received, into a neutral escrow depository,  
8 or into a trust fund account in the name of Respondent  
9 APMI as trustee at a bank or other financial  
10 institution, in conformance with the requirements of  
11 Section 10145 of the Code and Section 2832(a) of the  
12 Regulations, in that Respondent APMI placed such funds  
13 in Bank Account #1, an account that was not in the name  
14 of Respondent APMI as trustee;
- 15 (e) authorized Robyn Kissler, then unlicensed person  
16 without fidelity bond coverage at least equal to the  
17 maximum amount of the trust funds to which the person  
18 had access at any time, to make disbursements from  
19 Trust #1 and Bank Account #1 in violation of Section  
20 2834 of the Regulations; and,
- 21 (f) commingled money in the sum of \$15,571.30 entrusted to  
22 Respondent APMI to be commingled with the money or  
23 property of Respondents.

24 XI

25 Between on or about March 1, 2006, and on or about  
26 December 31, 2006, Respondents APMI and ABEL violated and/or  
27 willfully disregarded Section 10130 of the Code by causing,

1 suffering, or permitting Respondent APMI to engage in the  
2 activities requiring a real estate license described above prior  
3 to licensing APMI by the Department as a corporate real estate  
4 broker.

5 XII

6 Respondent ABEL failed to exercise reasonable  
7 supervision over the acts of Respondent APMI in such a manner as  
8 to allow the acts and events described above to occur.

9 XIII

10 The facts described above constitute cause for the  
11 suspension or revocation of the licenses and license rights of  
12 Respondents APMI and ABEL under the following provisions of the  
13 Code and/or the Regulations:

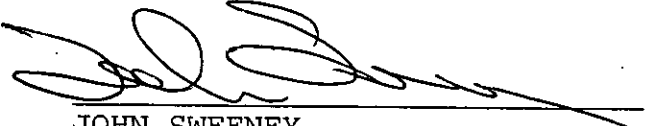
- 14 (a) As to Paragraph X(a) under Section 10145 of the  
15 Code and Section 2831 of the Regulations in  
16 conjunction with Section 10177(d) of the Code;
- 17 (b) As to Paragraph X(b) under Section 10145 of  
18 the Code and Section 2831.1 of the Regulations  
19 in conjunction with Section 10177(d) of the  
20 Code;
- 21 (c) As to Paragraph X(c) under Section 10145 of the  
22 Code and Section 2831.2 of the Regulations in  
23 conjunction with Section 10177(d) of the Code;
- 24 (d) As to Paragraph X(d) under Section 10145 of  
25 the Code and Section 2832 of the Regulations  
26 in conjunction with Section 10177(d) of the  
27 Code;

- 1 (e) As to Paragraph X(e) under Section 10145 of the  
2 Code and Section 2834 of the Regulations in  
3 conjunction with Section 10177(d) of the Code;  
4 (f) As to Paragraph X(f) under Section 10176(e) of  
5 the Code;  
6 (g) As to Paragraph XI under Section 10130 of the  
7 Code in conjunction with Section 10177(d) of  
8 the Code.

9 XIV

10 The facts described in Paragraph XII, above, constitute  
11 cause for the suspension or revocation of the licenses and  
12 license rights of Respondent ABEL under Sections 10177(g) and/or  
13 Section 10177(h) and Section 10159.2 in conjunction with Section  
14 10177(d) of the Code.

15 WHEREFORE, Complainant prays that a hearing be  
16 conducted on the allegations of this Accusation and that upon  
17 proof thereof a decision be rendered imposing disciplinary action  
18 against all licenses and license rights of Respondents under the  
19 Real Estate Law (Part 1 of Division 4 of the Business and  
20 Professions Code) and for such other and further relief as may be  
21 proper under other applicable provisions of law.

22  
23  
24   
25 JOHN SWEENEY  
Deputy Real Estate Commissioner

26 Dated at Fresno, California  
27 this 10<sup>th</sup> day of April, 2008.