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FILED

FEB 10 2000

DEPARTMENT OF REAL ESTATE

By Jean Assouh

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )	
SYLVIA MARY STARBIRD, )	No. H-2340 SD
Respondent. )	

ORDER GRANTING REINSTATEMENT OF LICENSE

On December 16, 1997, an Order was rendered herein revoking the real estate broker license of Respondent, but granting Respondent the right to the issuance of a restricted real estate broker license. A restricted real estate broker license was issued to Respondent on February 2, 1998, and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

On March 19, 1999, Respondent petitioned for reinstatement of said real estate broker license, and the Attorney General of the State of California has been given notice of the filing of said petition.

///

1 I have considered the petition of Respondent and the  
2 evidence and arguments in support thereof including Respondent's  
3 record as a restricted licensee. Respondent has demonstrated to  
4 my satisfaction that Respondent meets the requirements of law for  
5 the issuance to Respondent of an unrestricted real estate broker  
6 license and that it would not be against the public interest to  
7 issue said license to Respondent.

8 NOW, THEREFORE, IT IS ORDERED that Respondent's  
9 petition for reinstatement is granted and that a real estate  
10 broker license be issued to Respondent if Respondent satisfies  
11 the following conditions within nine months from the date of this  
12 Order:

13 1. Submittal of a completed application and payment of  
14 the fee for a real estate broker license.

15 2. Submittal of evidence of having, since the most  
16 recent issuance of an original or renewal real estate license,  
17 taken and successfully completed the continuing education  
18 requirements of Article 2.5 of Chapter 3 of the Real Estate Law  
19 for renewal of a real estate license.

20 This Order shall be effective immediately.

21 DATED: January 12, 2000.

22 PAULA REDDISH ZINNEMANN  
23 Real Estate Commissioner

24 *Paula Reddish Zinnemann*  
25  
26  
27

1 Department of Real Estate  
2 P. O. Box 187000  
3 Sacramento, CA 95818-7000  
4  
5 Telephone: (916) 227-0789  
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FILED  
JAN 13 1998  
DEPARTMENT OF REAL ESTATE

*Lucie A. Zair*

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of ) NO. H-2340 SD  
12 )  
12 NINE-TWENTY, INC., and ) OAH NO. L-1997080058  
13 SYLVIA MARY STARBIRD, )  
14 Respondents. ) STIPULATION AND AGREEMENT

15 It is hereby stipulated by and between Respondents  
16 NINE-TWENTY, INC. (hereinafter "NTI") and SYLVIA MARY STARBIRD  
17 (hereinafter "STARBIRD"), individually and by and through Susan E.  
18 Basinger, Esq., McInnis, Fitzgerald, Rees & Sharkey, attorneys of  
19 record herein for Respondents NTI and STARBIRD (hereinafter  
20 "Respondents"), and the Complainant, acting by and through  
21 James L. Beaver, Counsel for the Department of Real Estate, as  
22 follows for the purpose of settling and disposing of the  
23 Accusation filed on July 10, 1997 in this matter (hereinafter "the  
24 Accusation"):

25 1. All issues which were to be contested and all  
26 evidence which was to be presented by Complainant and Respondents  
27 at a formal hearing on the Accusation, which hearing was to be

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

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

9 3. On July 30, 1997, Respondents each filed a Notice  
10 of Defense pursuant to Section 11505 of the Government Code for  
11 the purpose of requesting a hearing on the allegations in the  
12 Accusation. Respondents hereby freely and voluntarily withdraw  
13 said Notices of Defense. Respondents acknowledge that Respondents  
14 understand that by withdrawing said Notices of Defense,  
15 Respondents will thereby waive Respondents' right to require the  
16 Commissioner to prove the allegations in the Accusation at a  
17 contested hearing held in accordance with the provisions of the  
18 APA and that Respondents will waive other rights afforded to  
19 Respondents in connection with the hearing such as the right to  
20 present evidence in defense of the allegations in the Accusation  
21 and the right to cross-examine witnesses.

22 4. Subject to the limitations set forth below,  
23 Respondent STARBIRD hereby admits that the factual allegations in  
24 Paragraphs I through XXVI of the Accusation are true and correct  
25 and that the Real Estate Commissioner shall not be required to  
26 provide further evidence to prove such allegations, and Respondent  
27 NTI hereby admits that the factual allegations in Paragraphs XII



1 through XXIV of the Accusation are true and correct and the Real  
2 Estate Commissioner shall not be required to provide further  
3 evidence to prove such allegations.

4 5. It is understood by the parties that the Real  
5 Estate Commissioner may adopt the Stipulation and Agreement as his  
6 decision in this matter, thereby imposing the penalty and  
7 sanctions on Respondents' real estate licenses and license rights  
8 as set forth in the "Order" below. In the event that the  
9 Commissioner in his discretion does not adopt the Stipulation and  
10 Agreement, it shall be void and of no effect, and Respondents  
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 shall not constitute an estoppel, merger or bar to any  
17 further administrative or civil proceedings by the Department of  
18 Real Estate with respect to any matters which were not  
19 specifically alleged to be causes for accusation in this  
20 proceeding.

21 7. Respondents NTI and STARBIRD understand that by  
22 agreeing to this Stipulation and Agreement, the findings set forth  
23 below in the Determination Of Issues become final, and that the  
24 Commissioner may charge Respondents NTI and STARBIRD, jointly and  
25 severally, for the costs of an audit conducted pursuant to Section  
26 10148 of the Code to determine if the violations have been

27 ///

1 corrected. The maximum costs of said audit will not exceed  
2 \$10,000.00.

3 DETERMINATION OF ISSUES

4 By reason of the foregoing stipulations, admissions and  
5 waivers and solely for the purpose of settlement of the pending  
6 Accusation without hearing, it is stipulated and agreed that the  
7 following Determination of Issues shall be made:

8 I

9 The acts and omissions of Respondent NINE-TWENTY, INC.  
10 described in Paragraphs XII through XXIV, inclusive, of the  
11 Accusation are grounds for the suspension or revocation of the  
12 licenses and license rights of Respondent NINE-TWENTY, INC. under  
13 the following provisions of the California Business and  
14 Professions Code (hereinafter "the Code") and/or Chapter 6, Title  
15 10, California Code of Regulations (hereinafter "the  
16 Regulations"):

17 (a) As to Paragraph XXI, under Section 10145 of the  
18 Code and Section 2832.1 of the Regulations in conjunction with  
19 Section 10177(d) of the Code;

20 (b) As to Paragraph XXII(a), under Section 2831 of the  
21 Regulations in conjunction with Section 10177(d) of the Code;

22 (c) As to Paragraph XXII(b), under Section 2831.1 of  
23 the Regulations in conjunction with Section 10177(d) of the Code;

24 (d) As to Paragraph XXII(c), under Section 2831.2 of  
25 the Regulations in conjunction with Section 10177(d) of the Code;

26 ///

27 ///

1 (e) As to Paragraph XXII(d), under Section 10145(a) of  
2 the Code and Section 2832 of the Regulations in conjunction with  
3 Section 10177(d) of the Code;

4 (f) As to Paragraph XXIII, under Section 10163 of the  
5 Code in conjunction with Sections 10165 and 10177(d) of the Code;

6 (g) As to Paragraph XXIV(a), under Section 10240 of the  
7 Code in conjunction with Section 10177(d) of the Code; and

8 (h) As to Paragraph XXIV(b), under Section 10159.5 of  
9 the Code and Section 2731(a) of the Regulations in conjunction  
10 with Section 10177(d) of the Code.

11 II

12 The acts and omissions of Respondent SYLVIA MARY  
13 STARBIRD described in Paragraphs XXVI of the Accusation are  
14 grounds for the suspension or revocation of the licenses and  
15 license rights of Respondent SYLVIA MARY STARBIRD under the  
16 provisions of Sections 10177(g) and 10177(h) of the Code and  
17 Section 10159.2 of the Code in conjunction with Section 10177(d)  
18 of the Code.

19 ORDER

20 I

21 All licenses and licensing rights of Respondent  
22 NINE-TWENTY, INC. under the Real Estate Law are suspended for a  
23 period of ninety (90) days from the effective date of this  
24 Decision; provided, however:

25 1. The final sixty (60) days of said suspension  
26 shall be stayed for two (2) years upon the following terms and  
27 conditions:

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(a) Respondent shall obey all laws, rules and regulations governing the rights, duties and responsibilities of a real estate licensee in the State of California. The Commissioner may, if a final subsequent determination is made, after hearing or upon stipulation, that cause for disciplinary action occurred during the two (2) year term of the stay imposed herein, vacate and set aside the stay and order the immediate execution of all or any part of the stayed suspension. Should no order vacating the stay be made pursuant to this condition or condition (b), below, the stay imposed pursuant to this Paragraph 1 shall become permanent.

(b) Pursuant to Section 10148 of the Business and Professions Code, Respondent shall pay the Commissioner's reasonable cost, not exceeding \$10,000.00, for an audit to determine if Respondent NTI has corrected the trust fund violation(s) found in paragraph I of the Determination of Issues. In calculating the amount of the Commissioner's reasonable cost, the Commissioner may use the estimated average hourly salary for all persons performing audits of real estate brokers, and shall include an allocation for travel costs, including mileage, time to and from the auditor's place of work and per diem.



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Respondent shall pay such cost within 45 days of receiving an invoice from the Commissioner detailing the activities performed during the audit and the amount of time spent performing those activities. The Commissioner may, in his discretion, vacate and set aside the stay and order the immediate execution of all or any part of the stayed suspension, if payment is not timely made as provided for herein, or as provided for in a subsequent agreement between the Respondent and the Commissioner. The vacation and set aside of the stay shall remain in effect until payment is made in full, or until Respondent enters into an agreement satisfactory to the Commissioner to provide for payment. Should no order vacating the stay be issued, either in accordance with this condition or condition (a), above, the stay imposed pursuant to this Paragraph 1 shall become permanent.

2. The initial thirty (30) days of said suspension shall be stayed upon condition that Respondent pays a monetary penalty pursuant to Section 10175.2 of the Code at the rate of \$100.00 for each day the suspension is stayed, for a total monetary penalty of \$3,000.00, and upon condition that no further cause for disciplinary action against the real estate license of Respondent occurs within two (2) years from the effective date of

///



1 the Decision in this matter. Any stay granted pursuant to this  
2 Paragraph 2 shall be subject to the following terms:

3 (a) Said monetary penalty payment shall be in the  
4 form of a cashier's check or certified check made  
5 payable to the Recovery Account of the Real  
6 Estate Fund. Said check must be delivered to the  
7 Department prior to the effective date of the  
8 Decision in this matter.

9 (b) The Commissioner may, if a final subsequent  
10 determination is made, after hearing or upon  
11 stipulation, that cause for disciplinary action  
12 occurred during the two (2) year period following  
13 the effective date of the Decision in this  
14 matter, vacate and set aside the stay and order  
15 the immediate execution of all or any part of the  
16 stayed suspension, in which event the Respondent  
17 shall not be entitled to any repayment nor  
18 credit, prorated or otherwise, for money paid to  
19 the Department under the terms of this Order.

20 (c) If Respondent pays the monetary penalty and if no  
21 order vacating the stay is made pursuant to  
22 Paragraph (b), above, the stay granted pursuant  
23 to this Paragraph 2 shall become permanent.

24 II

25 All licenses and licensing rights of Respondent SYLVIA  
26 MARY STARBIRD under the Real Estate Law are revoked; provided,  
27 however, a restricted real estate broker license shall be issued

1 to said Respondent pursuant to Section 10156.5 of the Business and  
2 Professions Code if, within ninety (90) days from the effective  
3 date of the Decision entered pursuant to this Order, Respondent  
4 makes application for the restricted license and pays to the  
5 Department of Real Estate the appropriate fee therefor.

6 The restricted license issued to Respondent shall be  
7 subject to all of the provisions of Section 10156.7 of the  
8 Business and Professions Code and to the following limitations,  
9 conditions and restrictions imposed under authority of Section  
10 10156.6 of that Code:

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

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

22 3. Respondent shall not be eligible to apply for the  
23 issuance of an unrestricted real estate license nor for the  
24 removal of any of the conditions, limitations or restrictions of a  
25 restricted license until one (1) year has elapsed from the  
26 effective date of this Decision.

27 ///

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

13                   5.       Respondent shall, within six (6) months from the  
14       issuance of the restricted license, take and pass the Professional  
15       Responsibility Examination administered by the Department  
16       including the payment of the appropriate examination fee. If  
17      Respondent fails to satisfy this condition, the Commissioner may  
18      order the suspension of the restricted license until Respondent  
19      passes the examination.

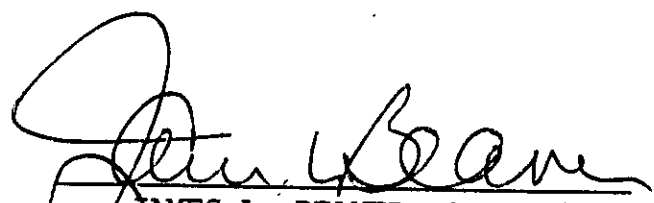
20                   6.       Pursuant to Section 10148 of the Business and  
21      Professions Code, Respondent shall pay the Commissioner's  
22      reasonable cost, not exceeding \$10,000.00, for an audit to  
23      determine if Respondent NTI has corrected the trust fund  
24      violation(s) found in paragraph I of the Determination of Issues.  
25      In calculating the amount of the Commissioner's reasonable cost,  
26      the Commissioner may use the estimated average hourly salary for  
27      all persons performing audits of real estate brokers, and shall



1 include an allocation for travel costs, including mileage, time to  
2 and from the auditor's place of work and per diem. Respondent  
3 shall pay such cost within 45 days of receiving an invoice from  
4 the Commissioner detailing the activities performed during the  
5 audit and the amount of time spent performing those activities.  
6 The Commissioner may suspend the restricted license issued to  
7 respondent pending a hearing held in accordance with Section  
8 11500, et seq., of the Government Code, if payment is not timely  
9 made as provided for herein, or as provided for in a subsequent  
10 agreement between the Respondent and the Commissioner. The  
11 suspension shall remain in effect until payment is made in full,  
12 until Respondent enters into an agreement satisfactory to the  
13 Commissioner to provide for payment, or until a decision providing  
14 otherwise is adopted following a hearing held pursuant to this  
15 condition.

16 7. Any restricted real estate broker license issued  
17 to Respondent may be suspended or revoked for a violation by  
18 Respondent of any of the conditions attaching to the restricted  
19 license.

20  
21 November 7, 1997  
22 DATED

  
23 JAMES L. BEAVER, Counsel  
24 DEPARTMENT OF REAL ESTATE

25 \* \* \*  
26 I have read the Stipulation and Agreement and have  
27 discussed its terms with my attorney 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

1 Procedure Act (including but not limited to Sections 11506,  
2 11508, 11509, and 11513 of the Government Code), and I willingly,  
3 intelligently, and voluntarily waive those rights, including the  
4 right of requiring the Commissioner to prove the allegations in  
5 the Accusation at a hearing at which I would have the right to  
6 cross-examine witnesses against me and to present evidence in  
7 defense and mitigation of the charges.

8  
9 10/30/97  
DATED

Sylvia Starbird for  
Nine Twenty inc  
NINE-TWENTY, INC.  
Respondent  
By: Sylvia Mary Starbird, D.O.

12 10/30/97  
DATED

Sylvia Starbird  
SYLVIA MARY STARBIRD  
Respondent

14 I have reviewed the Stipulation and Agreement as to form  
15 and content and have advised my client accordingly.

16  
17 10/31/97  
DATED

Juan E. Basinger  
SUSAN E. BASINGER, ESQ.  
McInnis, Fitzgerald,  
Rees & Sharkey  
Attorney for Respondents

20 \* \* \*

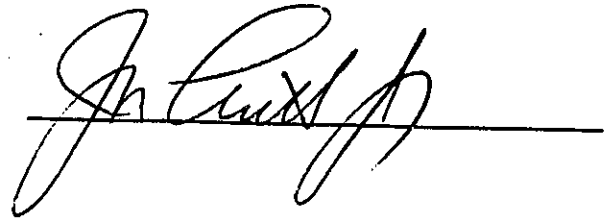
21 The foregoing Stipulation and Agreement for Settlement  
22 is hereby adopted by the Real Estate Commissioner as his Decision  
23 and Order and shall become effective at 12 o'clock noon on  
24 February 2, 1998.

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IT IS SO ORDERED 12/16, 1997.

JIM ANTT, JR.  
Real Estate Commissioner



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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

*Lucie A. Zan*

\* \* \*

In the Matter of the Accusation of )  
ECIB INCORPORATED, )  
Respondent. )

NO. H-2340 SD

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 filed on November 20, 1997, 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.

FINDINGS OF FACT

I

On June 30, 1997, J. Chris Graves 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 July 10, 1997.

On November 20, 1997, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

II

Respondent ECIB INCORPORATED (hereinafter "Respondent" or "ECIB") 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 corporate real estate broker.

III

At all times herein mentioned, Respondent ECIB engaged in the business of, acted in the capacity of, advertised, or assumed to act as a real estate broker within the State of California within the meaning of Sections 10131(b) and 10131(d) of the Code, including:



(a) The operation and conduct of a property management business with the public wherein, on behalf of others, for compensation or in expectation of compensation, Respondent 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 real property or improvements thereon, and collected rents from real property or improvements thereon; and

(b) The operation and conduct of a mortgage loan brokerage business with the public wherein, on behalf of others, for compensation or in expectation of compensation, Respondent solicited lenders and borrowers for loans secured directly or collaterally by liens on real property, wherein Respondent arranged, negotiated, and processed such loans, and conducted the escrows through which such loans were consummated.

#### IV

In so acting as a real estate broker, as described in Paragraph III, above, Respondent ECIB accepted or received funds in trust (hereinafter "trust funds") from or on behalf of owners and tenants in connection with the leasing, renting, and collection of rents on real property or improvements thereon, as alleged herein, and in connection with arranging, negotiating, processing and consummating loans, as alleged herein, and thereafter from time to time made disbursements of said funds.

#### V

The aforesaid trust funds accepted or received by Respondent were deposited or caused to be deposited by Respondent into one or more bank accounts (hereinafter "trust fund accounts") maintained by Respondent for the handling of trust funds, including but not necessarily limited to:

(a) The "Century 21 Carole Realty Trust Account", Account Number 0817-020167, maintained by Respondent at the San Diego, California, branch of Wells Fargo Bank (hereinafter "Account #1");

(b) The "Century 21 Carole Realty Property Management" account, Account Number 6817-681802, maintained by Respondent at the San Diego, California, branch of Wells Fargo Bank (hereinafter "Account #2");

(c) The "Century 21 Carole Realty Property Management" account, Account Number 0817-020035, maintained by Respondent at the San Diego, California, branch of Wells Fargo Bank (hereinafter "Account #3");

(d) The "Home Lenders Trust Account", Account Number 249-803203-2, maintained by Respondent at the San Diego, California, branch of Great Western Bank (hereinafter "Account #4");

(e) The "Century 21 Carole Realty Trust Account", Account Number 11063896 maintained by Respondent at the San Diego, California, branch of Imperial Bank (hereinafter "Account #5");

(f) The "Nine-Twenty Inc. dba Home Lenders Trust Act", Account Number 249-803997-9, maintained by Respondent at the San Diego, California, branch of Great Western Bank (hereinafter "Account #6"); and

(g) The "Nine-Twenty Inc. dba Trust Account", Account Number 11072399 maintained by Respondent at the San Diego, California, branch of Imperial Bank (hereinafter "Account #7").

## VI

Between on or about January 1, 1995 and May 19, 1996, in connection with the collection and disbursement of said trust funds, Respondent ECIB:

(a) Caused, suffered or permitted the balance of funds in Account #1 and Account #2 to be reduced to an amount which, as of February 29, 1996, was approximately \$7,160.27 less than the aggregate liability of Respondent ECIB to all owners of such funds, without the prior written consent of the owners of such funds;

(b) Caused, suffered or permitted the balance of funds in Account #4 to be reduced to an amount which, as of March 30, 1996, was approximately \$404.75 less than the aggregate liability of Respondent ECIB to all owners of such funds, without the prior written consent of the owners of such funds; and

(c) Caused, suffered or permitted the balance of funds in Account #5 to be reduced to an amount which, as of March 30, 1996, was approximately \$2,000.00 less than the aggregate liability of Respondent ECIB to all owners of such funds, without the prior written consent of the owners of such funds.

## VII

Between on or about January 1, 1995 and May 19, 1996, in connection with the collection and disbursement of said trust funds in said trust fund accounts, Respondent ECIB:

(a) Failed to deposit trust funds entrusted to Respondent into a trust fund account in the name of Respondent ECIB as trustee at a bank or other financial institution, in conformance with Section 2830 of Title 10, California Code of Regulations (hereinafter "the Regulations"), in that Respondent ECIB deposited such funds into Accounts #1, #2, #4, #5, #6, and #7, which accounts were not maintained in the name of Respondent ECIB as trustee;

(b) Failed to conform to the requirements of Section 10145(d) of the Code with respect to the deposit and maintenance of trust funds belonging to several different principals in Account #2, an interest-bearing accounts, in that Account #2 was not in the name of Respondent ECIB as trustee, and Respondent ECIB failed to keep funds in the interest-bearing account belonging to each principal separate, distinct and apart from funds belonging to Respondent ECIB and funds belonging to other persons for whom Respondent ECIB held funds in trust;

(c) Failed to keep a record in columnar form of all trust funds deposited into and disbursed from Accounts #1, #2, #4, #5, #6, and #7, as required by Section 2831 of the Regulations;

(d) Failed to maintain a separate record for each beneficiary or transaction, accounting therein for all said trust funds received, deposited into, and disbursed from Accounts #1, #2, #4, and #6, in the manner required by Regulation 2831.1;

(e) Failed to reconcile, at least once a month, the balance of all separate beneficiary or transaction records with the record of all trust funds received into and disbursed from Accounts #1, #2, #4, and #6;

(f) Failed to comply with the requirements of Section 10145(a) of the Code and Section and Section 2832 of the Regulations with respect to the timely deposit of trust funds in Accounts #1, #2, #4, and #6, in that Respondent failed to place trust funds received on behalf of another depository, or into a trust fund account prior to the end of the next business day following receipt of the funds by Respondent ECIB;

(g) Violated Section 2834 of the Regulations in that Respondent ECIB caused, suffered or permitted withdrawals to be made from the Account #4 by Janet Patzer and Carol Peterson, while (1) no officer through whom Respondent ECIB was licensed pursuant to Section 10158 or 10211 of the Code was an authorized signatory of the said account, and (2) no officer through whom Respondent ECIB was licensed had provided specific authorization in writing for Janet Patzer and Carol Peterson to make withdrawals from said account; and

(h) Converted the sum of \$488.63, constituting interest earned on trust funds deposited into Account #2, to Respondent's own use or benefit or to purposes not authorized by the rightful owners of said funds.

#### VIII

Between on or about January 1, 1995 and May 19, 1996, in the course of the real estate brokerage activities described in Paragraph III, above, Respondent ECIB:

(a) Failed to deliver to borrowers the statement required by Section 10240 of the Code;

(b) Failed to apply for and procure a branch office license for the place of business maintained by Respondent ECIB at 4098 Adams Avenue, San Diego, California, and failed to apply for and procure a branch office license for the place of business maintained by Respondent ECIB at 3358 30th Street, San Diego, California; and

///

(c) Used the fictitious business name "Carole Escrow" without obtaining a license bearing such fictitious name, in violation of Section 2731(a) of the Regulations in conjunction with Section 10159.5 of the Code.

#### DETERMINATION OF ISSUES

##### I

The facts described above are grounds for the suspension or revocation of the licenses and license rights of Respondent ECIB under the following provisions of the Code and/or the Regulations:

- (a) As to Paragraph VI, under Section 10145 of the Code and Section 2832.1 of the Regulations in conjunction with Section 10177(d) of the Code.
- (b) As to Paragraph VII(a), under Section 10145 of the Code and Section 2830 of the Regulations in conjunction with Section 10177(d) of the Code;
- (c) As to Paragraph VII(b), under Section 10145 of the Code and Section 2830.1 of the Regulations in conjunction with Section 10177(d) of the Code;
- (d) As to Paragraph VII(c), under Section 2831 of the Regulations in conjunction with Section 10177(d) of the Code;
- (e) As to Paragraph VII(d), under Section 2831.1 of the Regulations in conjunction with Section 10177(d) of the Code;
- (f) As to Paragraph VII(e), under Section 2831.2 of the Regulations in conjunction with Section 10177(d) of the Code;
- (g) As to Paragraph VII(f), under Section 10145(a) of the Code and Section 2832 of the Regulations in conjunction with Section 10177(d) of the Code;
- (h) As to Paragraph VII(g), under Section 10145(a) of the Code and Section 2834 of the Regulations in conjunction with Section 10177(d) of the Code;
- (i) As to Paragraph VII(h), under Section 10176(i) of the Code;
- (j) As to Paragraph VIII(a), under Section 10240 of the Code in conjunction with Section 10177(d) of the Code;
- (k) As to Paragraph VIII(b), under Section 10163 of the Code in conjunction with Sections 10165 and 10177(d) of the Code; and

(1) As to Paragraph VIII(c), under Section 10159.5 of the Code and Section 2731(a) of the Regulations in conjunction with Section 10177(d) of the Code.

II

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

ORDER

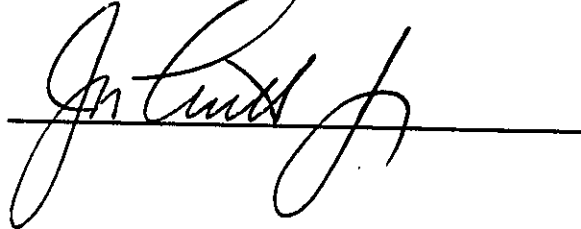
All licenses and licensing rights of Respondent ECIB INCORPORATED under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on February 2, 1998

DATED: \_\_\_\_\_

12/16/97

JIM ANTT, JR.  
Real Estate Commissioner



\_\_\_\_\_

FILED  
AUG 12 1997

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

By Laurie A. Ziss

In the Matter of the Accusation of

ECIB INCORPORATED,  
NINE-TWENTY, INC., and  
SYLVIA MARY STARBIRD,

}

Case No. H-2340 SD

OAH No. L-1997080058

Respondent

**NOTICE OF HEARING ON ACCUSATION**

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at the

Office of Administrative Hearings, 1350 Front Street, Room 6022,

San Diego, CA 92101

on Tuesday and Wednesday, October 14th and 15th, 1997 at the hour of 9:00 AM, 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 James L. Beaver  
JAMES L. BEAVER Counsel

Dated: August 12, 1997

1 JAMES L. BEAVER, Counsel  
2 Department of Real Estate  
3 P. O. Box 187000  
4 Sacramento, CA 95818-7000  
5 Telephone: (916) 227-0789  
6 -or- (916) 227-0788 (Direct)  
7

FILED  
JUL 10 1997  
DEPARTMENT OF REAL ESTATE

*Laurie A. Zarr*

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 ECIB INCORPORATED, ) NO. H-2340 SD  
13 NINE-TWENTY, INC., and ) ACCUSATION  
14 SYLVIA MARY STARBIRD, )  
15 Respondents. )

16 The Complainant, J. Chris Graves, a Deputy Real Estate  
17 Commissioner of the State of California, for cause of Accusation  
18 against ECIB INCORPORATED (hereinafter "ECIB"), NINE-TWENTY, INC.  
19 (hereinafter "NTI") and SYLVIA MARY STARBIRD (hereinafter  
20 "STARBIRD"), is informed and alleges as follows:

21 FIRST CAUSE OF ACCUSATION

22 I

23 The Complainant, J. Chris Graves, a Deputy Real Estate  
24 Commissioner of the State of California, makes this Accusation in  
25 his official capacity.

26 ///  
27 ///

1 II

2 At all times herein mentioned, Respondents ECIB and  
3 STARBIRD were and now are licensed and/or have license rights  
4 under the Real Estate Law (Part 1 of Division 4 of the Business  
5 and Professions Code) (hereinafter "the Code").

6 III

7 At all times herein mentioned, Respondent ECIB was and  
8 now is licensed by the Department of Real Estate of the State of  
9 California (hereinafter "the Department") as a corporate real  
10 estate broker by and through Respondent STARBIRD as designated  
11 officer-broker of Respondent ECIB to qualify said corporation and  
12 to act for said corporation as a real estate broker.

13 IV

14 At all times herein mentioned, Respondent STARBIRD was  
15 and now is licensed by the Department as a real estate broker,  
16 individually and as designated officer-broker of Respondent ECIB.  
17 As said designated officer-broker, Respondent STARBIRD was at all  
18 times mentioned herein responsible pursuant to Section 10159.2 of  
19 the Code for the supervision of the activities of the officers,  
20 agents, real estate licensees and employees of Respondent ECIB for  
21 which a license is required.

22 V

23 Whenever reference is made in an allegation in this  
24 Accusation to an act or omission of Respondents ECIB, such  
25 allegation shall be deemed to mean that the officers, directors,  
26 employees, agents and real estate licensees employed by or  
27 associated with Respondents ECIB committed such act or omission





1 while engaged in the furtherance of the business or operations of  
2 such corporate Respondent and while acting within the course and  
3 scope of their corporate authority and employment.

4 VI

5 At all times herein mentioned, Respondents ECIB and  
6 STARBIRD engaged in the business of, acted in the capacity of,  
7 advertised, or assumed to act as real estate brokers within the  
8 State of California within the meaning of Sections 10131(b)  
9 10131(d) of the Code, including:

10 (a) The operation and conduct of a property management  
11 business with the public wherein, on behalf of others, for  
12 compensation or in expectation of compensation, such Respondents  
13 leased or rented and offered to lease or rent, and placed for  
14 rent, and solicited listings of places for rent, and solicited for  
15 prospective tenants of real property or improvements thereon, and  
16 collected rents from real property or improvements thereon; and

17 (b) The operation and conduct of a mortgage loan  
18 brokerage business with the public wherein, on behalf of others,  
19 for compensation or in expectation of compensation, such  
20 Respondents solicited lenders and borrowers for loans secured  
21 directly or collaterally by liens on real property, wherein  
22 Respondents arranged, negotiated, and processed such loans, and  
23 conducted the escrows through which such loans were consummated.

24 VII

25 In so acting as real estate brokers, as described in  
26 Paragraph VI, above, Respondents ECIB and STARBIRD accepted or  
27 received funds in trust (hereinafter "trust funds") from or on



1 behalf of owners and tenants in connection with the leasing,  
2 renting, and collection of rents on real property or improvements  
3 thereon, as alleged herein, and in connection with arranging,  
4 negotiating, processing and consummating loans, as alleged herein,  
5 and thereafter from time to time made disbursements of said funds.

6 VIII

7 The aforesaid trust funds accepted or received by  
8 Respondents were deposited or caused to be deposited by  
9 Respondents into one or more bank accounts (hereinafter "trust  
10 fund accounts") maintained by Respondents for the handling of  
11 trust funds, including but not necessarily limited to:

12 (a) The "Century 21 Carole Realty Trust Account",  
13 Account Number 0817-020167, maintained by Respondents at the San  
14 Diego, California, branch of Wells Fargo Bank (hereinafter  
15 "Account #1");

16 (b) The "Century 21 Carole Realty Property Management"  
17 account, Account Number 6817-681802, maintained by Respondents at  
18 the San Diego, California, branch of Wells Fargo Bank (hereinafter  
19 "Account #2");

20 (c) The "Century 21 Carole Realty Property Management"  
21 account, Account Number 0817-020035, maintained by Respondents at  
22 the San Diego, California, branch of Wells Fargo Bank (hereinafter  
23 "Account #3");

24 (d) The "Home Lenders Trust Account", Account Number  
25 249-803203-2, maintained by Respondents at the San Diego,  
26 California, branch of Great Western Bank (hereinafter "Account  
27 #4");



1 (e) The "Century 21 Carole Realty Trust Account",  
2 Account Number 11063896 maintained by Respondents at the San  
3 Diego, California, branch of Imperial Bank (hereinafter "Account  
4 #5");

5 (f) The "Nine-Twenty Inc. dba Home Lenders Trust Act",  
6 Account Number 249-803997-9, maintained by Respondents at the San  
7 Diego, California, branch of Great Western Bank (hereinafter  
8 "Account #6"); and

9 (g) The "Nine-Twenty Inc. dba Trust Account", Account  
10 Number 11072399 maintained by Respondents at the San Diego,  
11 California, branch of Imperial Bank (hereinafter "Account #7").

12 IX

13 Between on or about January 1, 1995 and May 19, 1996, in  
14 connection with the collection and disbursement of said trust  
15 funds, Respondent ECIB:

16 (a) Caused, suffered or permitted the balance of funds  
17 in Account #1 and Account #2 to be reduced to an amount which, as  
18 of February 29, 1996, was approximately \$7,160.27 less than the  
19 aggregate liability of Respondent ECIB to all owners of such  
20 funds, without the prior written consent of the owners of such  
21 funds;

22 (b) Caused, suffered or permitted the balance of funds  
23 in Account #4 to be reduced to an amount which, as of March 30,  
24 1996, was approximately \$404.75 less than the aggregate liability  
25 of Respondent ECIB to all owners of such funds, without the prior  
26 written consent of the owners of such funds; and

27 ///



1 (c) Caused, suffered or permitted the balance of funds  
2 in Account #5 to be reduced to an amount which, as of March 30,  
3 1996, was approximately \$2,000.00 less than the aggregate  
4 liability of Respondent ECIB to all owners of such funds, without  
5 the prior written consent of the owners of such funds.

6 X

7 Between on or about January 1, 1995 and May 19, 1996, in  
8 connection with the collection and disbursement of said trust  
9 funds in said trust fund accounts, Respondent ECIB:

10 (a) Failed to deposit trust funds entrusted to  
11 Respondent into a trust fund account in the name of Respondent  
12 ECIB as trustee at a bank or other financial institution, in  
13 conformance with Section 2830 of Title 10, California Code of  
14 Regulations (hereinafter "the Regulations"), in that Respondent  
15 ECIB deposited such funds into Accounts #1, #2, #4, #5, #6, and  
16 #7, which accounts were not maintained in the name of Respondent  
17 ECIB as trustee;

18 (b) Failed to conform to the requirements of Section  
19 10145(d) of the Code with respect to the deposit and maintenance  
20 of trust funds belonging to several different principals in  
21 Account #2, an interest-bearing accounts, in that Account #2 was  
22 not in the name of Respondent ECIB as trustee, and Respondent ECIB  
23 failed to keep funds in the interest bearing-account belonging to  
24 each principal separate, distinct and apart from funds belonging  
25 to Respondent ECIB and funds belonging to other persons for whom  
26 Respondent ECIB held funds in trust;

27 ///



1 (c) Failed to keep a record in columnar form of all  
2 trust funds deposited into and disbursed from Accounts #1, #2, #4,  
3 #5, #6, and #7, as required by Section 2831 of the Regulations;

4 (d) Failed to maintain a separate record for each  
5 beneficiary or transaction, accounting therein for all said trust  
6 funds received, deposited into, and disbursed from Accounts #1,  
7 #2, #4, and #6, in the manner required by Regulation 2831.1;

8 (e) Failed to reconcile, at least once a month, the  
9 balance of all separate beneficiary or transaction records with  
10 the record of all trust funds received into and disbursed from  
11 Accounts #1, #2, #4, and #6;

12 (f) Failed to comply with the requirements of Section  
13 10145(a) of the Code and Section and Section 2832 of the  
14 Regulations with respect to the timely deposit of trust funds in  
15 Accounts #1, #2, #4, and #6, in that Respondent failed to place  
16 trust funds received on behalf of another into the hands of the  
17 owner of the funds, into a neutral escrow depository, or into a  
18 trust fund account prior to the end of the next business day  
19 following receipt of the funds by Respondent ECIB;

20 (g) Violated Section 2834 of the Regulations in that  
21 Respondent ECIB caused, suffered or permitted withdrawals to be  
22 made from the Account #4 by Janet Patzer and Carol Peterson, while  
23 (a) no officer through whom Respondent ECIB was licensed pursuant  
24 to Section 10158 or 10211 of the Code was an authorized signatory  
25 of the said account, and (b) no officer through whom Respondent  
26 ECIB was licensed had provided specific authorization in writing

27 ///



1 for Janet Patzer and Carol Peterson to make withdrawals from said  
2 account; and

3 (h) Converted the sum of \$488.63, constituting interest  
4 earned on trust funds deposited into Account #2, to Respondent's  
5 own use or benefit or to purposes not authorized by the rightful  
6 owners of said funds.

7 XI

8 Between on or about January 1, 1995 and May 19, 1996, in  
9 the course of the real estate brokerage activities described in  
10 Paragraph VI, above, Respondent ECIB:

11 (a) Failed to deliver to borrowers the statement  
12 required by Section 10240 of the Code;

13 (b) Failed to apply for and procure a branch office  
14 license for the place of business maintained by Respondent ECIB at  
15 4098 Adams Avenue, San Diego, California, and failed to apply for  
16 and procure a branch office license for the place of business  
17 maintained by Respondent ECIB at 3358 30th Street, San Diego,  
18 California; and

19 (c) Used the fictitious business name "Carole Escrow"  
20 without obtaining a license bearing such fictitious name, in  
21 violation of Section 2731(a) of the Regulations in conjunction  
22 with Section 10159.5 of the Code.

23 SECOND CAUSE OF ACCUSATION

24 XII

25 There is hereby incorporated in this second, separate  
26 and distinct Cause of Accusation, all of the allegations contained

27 ///



1 in Paragraphs I, II and IV of the First Cause of Accusation with  
2 the same force and effect as if herein fully set forth.

3 XIII

4 At all times herein mentioned from and after May 20,  
5 1996, Respondent NTI was and now is licensed and/or has license  
6 rights under the Real Estate Law.

7 XIV

8 At all times herein mentioned from and after May 20,  
9 1996, Respondent NTI was and now is licensed by the Department as  
10 a corporate real estate broker by and through Respondent STARBIRD  
11 as designated officer-broker of Respondent NTI to qualify said  
12 corporation and to act for said corporation as a real estate  
13 broker.

14 XV

15 At all times herein mentioned from and after May 20,  
16 1996, Respondent STARBIRD was and now is licensed by the  
17 Department as designated officer-broker of Respondent NTI. As  
18 said designated officer-broker, Respondent STARBIRD was at all  
19 times mentioned herein responsible pursuant to Section 10159.2 of  
20 the Code for the supervision of the activities of the officers,  
21 agents, real estate licensees and employees of Respondents NTI for  
22 which a license is required.

23 XVI

24 Whenever reference is made in an allegation in this  
25 Accusation to an act or omission of Respondent NTI, such  
26 allegation shall be deemed to mean that the officers, directors,  
27 employees, agents and real estate licensees employed by or



1 associated with Respondent NTI committed such act or omission  
2 while engaged in the furtherance of the business or operations of  
3 such corporate Respondent and while acting within the course and  
4 scope of their corporate authority and employment.

5 XVII

6 At all times herein mentioned from and after March 14,  
7 1996, Respondent NTI engaged in the business of, acted in the  
8 capacity of, advertised, or assumed to act as a real estate broker  
9 within the State of California within the meaning of Sections  
10 10131(d) of the Code, including the operation and conduct of a  
11 mortgage loan brokerage business with the public wherein, on  
12 behalf of others, for compensation or in expectation of  
13 compensation, such Respondent solicited lenders and borrowers for  
14 loans secured directly or collaterally by liens on real property,  
15 wherein such Respondent arranged, negotiated, and processed such  
16 loans, and conducted the escrows through which such loans were  
17 consummated.

18 XVIII

19 Between on or about March 14, 1996 and on or about  
20 May 19, 1996, Respondent NTI engaged in the activities described  
21 in Paragraph XVII, above, without first obtaining a license from  
22 the Department as a real estate broker.

23 XIX

24 In so acting as a real estate broker, as described in  
25 Paragraph XVII, above, Respondent NTI accepted or received trust  
26 funds from or on behalf of owners in connection with arranging,  
27 negotiating, processing, and consummating such loans, as alleged





1 herein, and thereafter from time to time made disbursements of  
2 said funds.

3 XX

4 The aforesaid trust funds accepted or received by  
5 Respondent NTI were deposited or caused to be deposited by  
6 Respondent NTI into one or more bank accounts (hereinafter "trust  
7 fund accounts") maintained by Respondent for the handling of trust  
8 funds, including but not necessarily limited to:

9 (a) The "Nine-Twenty Inc. dba Home Lenders Trust Act",  
10 Account Number 249-803997-9, maintained by Respondents at the San  
11 Diego, California, branch of Great Western Bank (hereinafter  
12 "Account #6"); and

13 (b) The "Nine-Twenty Inc. dba Trust Account", Account  
14 Number 11072399 maintained by Respondents at the San Diego,  
15 California, branch of Imperial Bank (hereinafter "Account 7").

16 XXI

17 Between on or about May 20, 1996 and September 30, 1996,  
18 in connection with the collection and disbursement of said trust  
19 funds, Respondent NTI caused, suffered or permitted the balance of  
20 funds in Account #6 to be reduced to an amount which, as of  
21 September 30, 1996, was approximately \$140.85 less than the  
22 aggregate liability of Respondent NTI to all owners of such funds,  
23 without the prior written consent of the owners of such funds.

24 XXII

25 Between on or about May 20, 1996 and September 30, 1996,  
26 in connection with the collection and disbursement of said trust  
27 funds in said trust fund accounts, Respondent NTI:

1 (a) Failed to keep a record in columnar form of all  
2 trust funds deposited into and disbursed from Account #6 and  
3 Account #7, as required by Section 2831 of the Regulations;

4 (b) Failed to maintain a separate record for each  
5 beneficiary or transaction, accounting therein for all said trust  
6 funds received, deposited into, and disbursed from Account #6, in  
7 the manner required by Regulation 2831.1;

8 (c) Failed to reconcile, at least once a month, the  
9 balance of all separate beneficiary or transaction records with  
10 the record of all trust funds received into and disbursed from  
11 Account #6; and

12 (d) Failed to comply with the requirements of Section  
13 10145(a) of the Code and Section and Section 2832 of the  
14 Regulations with respect to the timely deposit of trust funds in  
15 Account #6, in that Respondent failed to place trust funds  
16 received on behalf of another into the hands of the owner of the  
17 funds, into a neutral escrow depository, or into a trust fund  
18 account prior to the end of the next business day following  
19 receipt of the funds by Respondent NTI.

20 XXIII

21 Between on or about May 20, 1996 and August 18, 1996, in  
22 the course of the real estate brokerage activities described in  
23 Paragraph XVII, above, Respondent NTI failed to apply for and  
24 procure a branch office license for the place of business  
25 maintained by Respondent NTI at 4098 Adams Avenue, San Diego,  
26 California.

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XXIV

Between on or about May 20, 1996 and September 30, 1996, in the course of the real estate brokerage activities described in Paragraph XVII, above, Respondent NTI:

- (a) Failed to deliver to borrowers the statement required by Section 10240 of the Code; and
- (b) Used the fictitious business name "Carole Escrow" without obtaining a license bearing such fictitious name, in violation of Section 2731(a) of the Regulations in conjunction with Section 10159.5 of the Code.

THIRD CAUSE OF ACCUSATION

XXV

There is hereby incorporated in this third, separate and distinct Cause of Accusation, all of the allegations contained in Paragraphs I through XXIV of the First and Second Causes of Accusation with the same force and effect as if herein fully set forth.

XXVI

Respondent STARBIRD failed to exercise reasonable supervision over the acts of Respondents ECIB and NTI in such a manner as to allow the acts and omissions described in Paragraphs IX through XI inclusive, above, Paragraph XVIII, above, and Paragraphs XXII through XXIV, inclusive, above, to occur.

XXVII

The facts alleged above in the First Cause of Accusation are grounds for the suspension or revocation of the licenses and

///

1 license rights of Respondent ECIB under the following provisions  
2 of the Code and/or the Regulations:

3 (a) As to Paragraph IX, under Section 10145 of the Code  
4 and Section 2832.1 of the Regulations in conjunction with Section  
5 10177(d) of the Code;

6 (b) As to Paragraph X(a), under Section 10145 of the  
7 Code and Section 2830 of the Regulations in conjunction with  
8 Section 10177(d) of the Code;

9 (c) As to Paragraph X(b), under Section 10145 of the  
10 Code and Section 2830.1 of the Regulations in conjunction with  
11 Section 10177(d) of the Code;

12 (d) As to Paragraph X(c), under Section 2831 of the  
13 Regulations in conjunction with Section 10177(d) of the Code;

14 (e) As to Paragraph X(d), under Section 2831.1 of the  
15 Regulations in conjunction with Section 10177(d) of the Code;

16 (f) As to Paragraph X(e), under Section 2831.2 of the  
17 Regulations in conjunction with Section 10177(d) of the Code;

18 (g) As to Paragraph X(f), under Section 10145(a) of the  
19 Code and Section 2832 of the Regulations in conjunction with  
20 Section 10177(d) of the Code;

21 (h) As to Paragraph X(g), under Section 10145(a) of the  
22 Code and Section 2834 of the Regulations in conjunction with  
23 Section 10177(d) of the Code;

24 (i) As to Paragraph X(h), under Section 10176(i) of the  
25 Code;

26 (j) As to Paragraph XI(a), under Section 10240 of the  
27 Code in conjunction with Section 10177(d) of the Code;



1 (k) As to Paragraph XI(b), under Section 10163 of the  
2 Code in conjunction with Sections 10165 and 10177(d) of the Code;  
3 and

4 (l) As to Paragraph XI(c), under Section 10159.5 of the  
5 Code and Section 2731(a) of the Regulations in conjunction with  
6 Section 10177(d) of the Code.

7 XXVIII

8 The facts alleged above in the Second Cause of  
9 Accusation are grounds for the suspension or revocation of the  
10 licenses and license rights of Respondent NTI under the following  
11 provisions of the Code and/or the Regulations:

12 (a) As to Paragraph XVIII, under Section 10130 of the  
13 Code in conjunction with Section 10177(d) of the Code;

14 (b) As to Paragraph XXI, under Section 10145 of the  
15 Code and Section 2832.1 of the Regulations in conjunction with  
16 Section 10177(d) of the Code.

17 (c) As to Paragraph XXII(a), under Section 2831 of the  
18 Regulations in conjunction with Section 10177(d) of the Code;

19 (d) As to Paragraph XXII(b), under Section 2831.1 of  
20 the Regulations in conjunction with Section 10177(d) of the Code;

21 (e) As to Paragraph XXII(c), under Section 2831.2 of  
22 the Regulations in conjunction with Section 10177(d) of the Code;

23 (f) As to Paragraph XXII(d), under Section 10145(a) of  
24 the Code and Section 2832 of the Regulations in conjunction with  
25 Section 10177(d) of the Code;

26 (g) As to Paragraph XXIII, under Section 10163 of the  
27 Code in conjunction with Sections 10165 and 10177(d) of the Code;

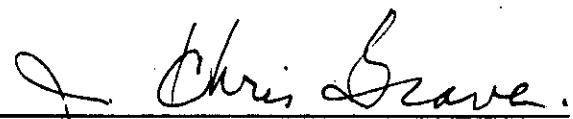
1 (h) As to Paragraph XXIV(a), under Section 10240 of the  
2 Code in conjunction with Section 10177(d) of the Code; and

3 (i) As to Paragraph XXIV(b), under Section 10159.5 of  
4 the Code and Section 2731(a) of the Regulations in conjunction  
5 with Section 10177(d) of the Code.

6 XXIX

7 The facts alleged above in the Third Cause of Accusation  
8 are grounds for the suspension or revocation of the licenses and  
9 license rights of Respondent STARBIRD under Section 10177(g)  
10 and/or Section 10177(h) of the Code and Section 10159.2 of the  
11 Code in conjunction with Section 10177(d) of the Code.

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

19  
20   
21 J. CHRIS GRAVES  
Deputy Real Estate Commissioner

22 Dated at San Diego, California  
23 this 30<sup>th</sup> day of June, 1997.