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FILED
APR 06 2001

DEPARTMENT OF REAL ESTATE

By Juan A. ...

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

| | | |
|--------------------------------------|--|---------------|
| In the Matter of the Accusation of) | | No. H-2368 SD |
| GREGORY ALLEN SEALE,) | | |
| Respondent.) | | |
|)) | | |

ORDER GRANTING REINSTATEMENT OF LICENSE

On July 27, 1998, 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. Respondent failed to apply for said restricted real estate broker license.

On January 25, 2000, 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.

I have considered the petition of Respondent and the evidence and arguments in support thereof including Respondent's record as a restricted licensee. Respondent has demonstrated to

1 my satisfaction that Respondent meets the requirements of law for
2 the issuance to Respondent of an unrestricted real estate broker
3 license and that it would not be against the public interest to
4 issue said license to Respondent.

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

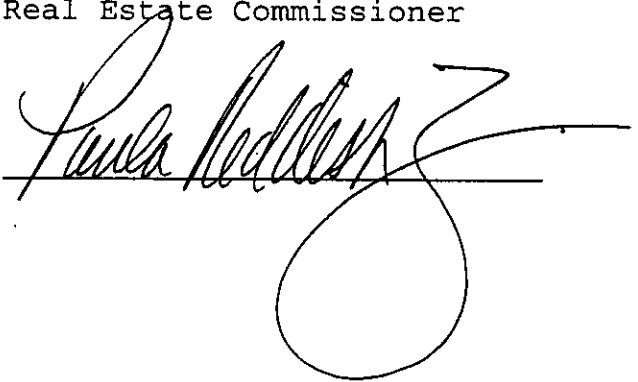
10 1. Submittal of a completed application and payment of
11 the fee for a real estate broker license.

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

17 This Order shall be effective immediately.

18 DATED: *March 26*, 2001

19 PAULA REDDISH ZINNEMANN
20 Real Estate Commissioner

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27

BEFORE THE DEPARTMENT OF REAL ESTATE

FILED

JUL 15 1999

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

* * *

By *Kathleen Contreras*

| | |
|--------------------------------------|-----------------------------|
| In the Matter of the Accusation of) | |
| AMERICAN NATIONAL MORTGAGE) | NO. H-2368 SD |
| ASSOCIATION, INC.; MEIR LEVIN;) | (As to AMERICAN NATIONAL |
| and GREGORY ALLEN SEALE;) | MORTGAGE ASSOCIATION, INC., |
| Respondents.) | and, MEIR LEVIN) |

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 April 1, 1999, 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 December 24, 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 Respondents AMERICAN NATIONAL MORTGAGE ASSOCIATION, INC.'s ("AMNA") and Respondent MEIR LEVIN's ("LEVIN") (hereinafter collectively "Respondents") last known mailing addresses on file with the Department on December 29, 1997.

On April 1, 1999, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondents' defaults were entered herein.

II

At all times herein mentioned until March 4, 1996, Respondent AMNA was licensed and/or had license rights under the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code ("Code") as a real estate brokerage corporation, by and through Respondent LEVIN as its Designated Officer. From March 5, 1996, until July 17, 1996, Respondent AMNA was licensed by and through Respondent GREGORY ALLEN SEALE ("SEALE"). From July 18, 1996, though October 31, 1996, AMNA was licensed by and through Joseph Maria Marcarelli II. From November 1, 1996, through September 27, 1997, AMNA was licensed by and through Edward Ray Parcaut.

As of the date of the filing of this Accusation, AMNA had no qualifying officer. AMNA was formerly known as P C Mortgage, Inc., but changed its corporate name to American National Mortgage Exchange, Inc., on or about October 3, 1996. All references herein to AMNA are to the same corporation as it is named at the time of filing and as it was named P C Mortgage, Inc.

III

At the times mentioned herein, Respondent LEVIN was licensed and/or has license rights under the Code, individually and, during the period specified in Paragraph II above, as Designated Officer of Respondent AMNA.

IV

At all times mentioned herein, Respondent AMNA 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, including the operation and conduct of a mortgage loan brokerage business with the public wherein lenders and borrowers were solicited for loans secured directly or collaterally by liens on real property, wherein such loans were arranged, negotiated, processed, and consummated on behalf of others for compensation or in expectation of compensation.

V

During the course of the mortgage loan brokerage activities described in Paragraph V above, Respondent AMNA received and disbursed funds held in trust on behalf of another or others.

VI

Within the three-year period immediately preceding the filing of this Accusation, Respondent AMNA maintained the following trust account for its mortgage loan brokerage business:

Wells Fargo Bank
6961 El Camino Real
Carlsbad, CA

Account No. 0905-019220

Title: P C Mortgage, Inc.

VII

Commencing on March 21, 1996, and continuing through May 9, 1996, an investigative audit was made by the Department of Real Estate (hereinafter "Department") of Respondent AMNA's records for the period of July 1, 1995, through April 8, 1996, as those records relate to Respondent AMNA's licensed activities in its real estate mortgage loan brokerage business.

VIII

During the period from July 1, 1995, through April 8, 1996, the trust account identified in Paragraph VII above was not in the name of Respondent AMNA as trustee at a bank or other financial institution as required by Section 2830 of Title 10, California Code of Regulations (hereinafter "Regulations"), nor was it designated as a trust account as required by Section 2830 of the Regulations.

IX

During the period from July 1, 1995, through April 8, 1996, Respondent AMNA failed to maintain adequate columnar records of all trust funds received and disbursed in the manner required by Section 2831 of the Regulations.

X

During the period from July 1, 1995, through April 8, 1996, Respondent AMNA failed to reconcile the balances of all separate beneficiary or transaction records maintained with the record of all trust funds received and disbursed at least once a month, in violation of Section 2831.2 of the Regulations.

XI

During the period from July 1, 1995, through April 8, 1996, Respondent AMNA did not maintain Respondents LEVIN and SEALE as authorized signatories of the trust account during their respective tenures as Designated Officer of AMNA, in violation of Section 2834 of the Regulations.

XII

During the period from July 1, 1995, through April 8, 1996, Respondent AMNA, in connection with its mortgage loan brokerage activities, failed to present to all borrowers, before said borrowers became obligated to complete the loan, a statement with the contents set forth in Section 10241 of the Code, in violation of Section 10240(a) of the Code.

XIII

During the period from July 1, 1995, through April 8, 1996, Respondent AMNA failed to have a written agreement with each of its salespersons, in violation of Section 2726 of the Regulations.

XIV

During the period from July 1, 1995, through April 8, 1996, in connection with the collection and disbursement of trust funds as described in Paragraph V above, Respondent AMNA commingled with its own money or property, the money or property of others which was received and held by Respondent AMNA.

XV

In connection with the collection and disbursement of trust funds, Respondent AMNA failed to deposit and maintain trust funds in the trust account in such manner that as of March 4, 1996, there was a shortage of at least \$475.95 of trust funds.

XVI

During the period from July 1, 1995, through April 8, 1996, Respondent AMNA disbursed, or caused or permitted the disbursement of, trust funds from the trust account, without the prior written consent of every principal who was an owner of the funds in the account, where the disbursement reduced the balance of funds in the accounts to an amount which was at least \$475.95 less than the existing aggregate trust fund liability of Respondent AMNA to all owners of said funds, in violation of Section 10145 of the Code and Section 2832.1 of the Regulations.

XVII

During the period from July 1, 1995, through March 4, 1996, Respondent LEVIN, as designated broker-officer for Respondent AMNA, failed to exercise reasonable supervision and control over the licensed activities of Respondent AMNA as required by Section 10159.2 of the Code.

DETERMINATION OF ISSUES

I

Cause for disciplinary action against Respondent AMNA exists pursuant to Business and Professions Code Section 10145, 10176(e), and 10177(d).

II

Cause for disciplinary action against Respondent LEVIN exists pursuant to Business and Professions Code Section 10177(h).

III

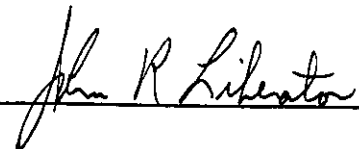
The standard of proof applied was clear and convincing proof to a reasonable certainty.

ORDER

All licenses and licensing rights of respondents AMERICAN NATIONAL MORTGAGE ASSOCIATION, INC., and MEIR LEVIN 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 August 4, 1999.

DATED: June 7, 1999.

JOHN R. LIBERATOR
Acting Real Estate Commissioner



1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
4
5 Telephone: (916) 227-0789
6

FILED
APR 1 1999

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

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

10 * * *

11 In the Matter of the Accusation of)

12 AMERICAN NATIONAL MORTGAGE)
13 ASSOCIATION, INC.;)
14 MEIR LEVIN; AND,)
15 GREGORY ALLEN SEALE;)
Respondent.)

NO. H-2368 SD

DEFAULT ORDER

(As to AMERICAN NATIONAL
MORTGAGE ASSOCIATION, INC.)

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

21 IT IS SO ORDERED April 1, 1999.

22
23 JOHN R. LIBERATOR
24 Acting Commissioner

25
26 By: Steven J. Ellis

27 STEVEN J. ELLIS
Regional Manager

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
4
5 Telephone: (916) 227-0789
6

FILED
APR 1 1999

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

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

10 * * *

11 In the Matter of the Accusation of)

12 AMERICAN NATIONAL MORTGAGE)
13 ASSOCIATION, INC.;)
14 MEIR LEVIN; AND,)
15 GREGORY ALLEN SEALE;)

Respondent.)

NO. H-2368 SD

DEFAULT ORDER
(As to MEIR LEVIN)

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

20
21 IT IS SO ORDERED April 1, 1999.

22 JOHN R. LIBERATOR
23 Acting Commissioner

24
25 By: Steven J. Ellis

26 STEVEN J. ELLIS
27 Regional Manager

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
4 Telephone: (916) 227-0789

FILED
JUL 31 1998
DEPARTMENT OF REAL ESTATE

by Kathleen Contreras

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 AMERICAN NATIONAL MORTGAGE) NO. H-2368 SD
13 ASSOCIATION, INC.;)
14 MEIR LEVIN; and,) STIPULATION AND AGREEMENT
15 GREGORY ALLEN SEALE,) (AS TO GREGORY ALLEN SEALE)
Respondents.)

16 It is hereby stipulated by and between GREGORY ALLEN
17 SEALE ("Respondent"); and the Complainant, acting by and through
18 Thomas C. Lasken, Counsel for the Department of Real Estate; as
19 follows, for the purpose of settling and disposing of the
20 Accusation filed on December 24, 1997, in this matter:

21 1. All issues which were to be contested and all
22 evidence which was to be presented by Complainant and Respondent
23 at a formal hearing on the Accusation, which hearing was to be
24 held in accordance with the provisions of the Administrative
25 Procedure Act (APA) (Government Code Section 11500 et seq.), shall
26 instead and in place thereof be submitted solely on the basis of
27 the provisions of this Stipulation and Agreement.

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

5 3. On January 21, 1998, Respondent filed his Notice of
6 Defense pursuant to Section 11505 of the Government Code for the
7 purpose of requesting a hearing on the allegations in the
8 Accusation. Respondent hereby freely and voluntarily withdraws
9 his Notice of Defense. Respondent acknowledges that by
10 withdrawing said Notice of Defense he will thereby waive his right
11 to require the Commissioner to prove the allegations in the
12 Accusation at a contested hearing held in accordance with the
13 provisions of the APA and that he will waive other rights afforded
14 to him in connection with the hearing such as the right to present
15 evidence in defense of the allegations in the Accusation and the
16 right to cross-examine witnesses.

17 4. This Stipulation is based on the factual allegations
18 contained in the Accusation. In the interests of expedience and
19 economy, Respondent chooses not to contest these allegations, but
20 to remain silent and understands that, as a result thereof, these
21 factual allegations, without being admitted or denied, will serve
22 as a prima facie basis for the disciplinary action stipulated to
23 herein. The Real Estate Commissioner shall not be required to
24 provide further evidence to prove said factual allegations.

25 5. It is understood by the parties that the Real Estate
26 Commissioner may adopt the Stipulation and Agreement as his
27 Decision in this matter, thereby imposing the penalty and



1 sanctions on Respondent's real estate license and license rights
2 as set forth in the below "Order". In the event that the
3 Commissioner in his discretion does not adopt the Stipulation and
4 Agreement, it shall be void and of no effect, and Respondent shall
5 retain the right to a hearing and proceeding on the Accusation
6 under all the provisions of the APA and shall not be bound by any
7 admission or waiver made herein.

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

14 DETERMINATION OF ISSUES

15
16 By reason of the foregoing stipulations and waivers, and
17 solely for the purpose of settlement of the pending Accusation
18 without a hearing, it is stipulated and agreed that the following
19 determination of issues shall be made:

20 I

21 The conduct of the Respondent, as alleged in the
22 Accusation, constitutes cause for the suspension or revocation of
23 the real estate license and license rights of Respondent under the
24 provisions of Section 10177(h) of the California Business and
25 Professions Code.

26 ///
27 ///

ORDER

1
2 A. The real estate broker license and all license rights of
3 Respondent under the Real Estate Law are revoked.

4 B. A restricted real estate broker license shall be issued to
5 Respondent pursuant to Business and Professions Code Section
6 10156.5, if Respondent makes application therefor and pays to
7 the Department the appropriate fee for said license within
8 ninety (90) days from the effective date of this ORDER.

9 C. The restricted license issued to Respondent shall be subject
10 to all the provisions of Section 10156.7 of the Business and
11 Professions Code and to the following limitations, conditions
12 and restrictions imposed under authority of Section 10156.6
13 of said Code:

14 (1) The license shall not confer any property right in the
15 privileges to be exercised, and the Real Estate
16 Commissioner may by appropriate order suspend the right
17 to exercise any privileges granted under the restricted
18 license in the event of:

19 (a) The conviction of Respondent (including a plea of
20 nolo contendere) to a crime which bears a
21 significant relation to Respondent's fitness or
22 capacity as a real estate licensee; or,

23 (b) The receipt of evidence that Respondent has
24 violated provisions of the California Real Estate
25 Law, Subdivided Lands Law, Regulations of the Real
26 Estate Commissioner or conditions attaching to the
27 restricted license.



1 (2) Respondent shall not be eligible to apply for issuance
2 of an unrestricted real estate license nor the removal
3 of any of the conditions, limitations or restrictions
4 attaching to the restricted license until one (1) year
5 has elapsed from the date of issuance of a restricted
6 license to Respondent.

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

19 E. Respondent shall, within six (6) months from the effective
20 date of the restricted license, take and pass the
21 Professional Responsibility Examination administered by the
22 Department including the payment of the appropriate
23 examination fee. If Respondent fails to satisfy this
24 condition, the Commissioner may order the suspension of the
25 restricted license until Respondent passes the examination.

26 F. Any restricted real estate broker license issued to
27 Respondent may be suspended or revoked for a violation by



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Respondent of any of the conditions attaching to the
restricted license.

July 17, 1998
DATED

Thomas C. Lasken
THOMAS C. LASKEN, Counsel
DEPARTMENT OF REAL ESTATE

* * *

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

7/10/98
DATED

GREGORY ALLEN SEALE, Respondent

* * *

The foregoing Stipulation and Agreement is hereby
adopted by the Real Estate Commissioner as his Decision and Order
and shall become effective at 12 o'clock noon on
August 20, 1998.

IT IS SO ORDERED 7/27, 1998.

JIM ANTT, JR.
Real Estate Commissioner

Jim Antt Jr.

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
JUN 2 1998
DEPARTMENT OF REAL ESTATE

In the Matter of the Application of

AMERICAN NATIONAL MORTGAGE
ASSOCIATION, INC.;
MEIR LEVIN, and,
GREGORY ALLEN SEALE,

Respondent

By Matthew Contreras

Case No. H-2368 SD

OAH No. L-1998050048

NOTICE OF HEARING ON APPLICATION

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, California 92101

on July 14, 1998, at the hour of 9:30 AM,
or as soon thereafter as the matter can be heard, upon the Statement of Issues 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.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you are not present nor represented at the hearing, the Department may act upon your application without taking evidence.

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 for 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

Dated: May 29, 1998

By Thomas C. Lasken
THOMAS C. LASKEN Counsel

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

FILED
DEC 24 1997
DEPARTMENT OF REAL ESTATE

5 Telephone: (916) 227-0789

By *Jean Lusk*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 AMERICAN NATIONAL MORTGAGE) NO. H-2368 SD
13 ASSOCIATION, INC.;)
14 MEIR LEVIN; and,) ACCUSATION
15 GREGORY ALLEN SEALE;)
Respondents.)

16 The Complainant, J. Chris Graves, a Deputy Real Estate
17 Commissioner of the State of California, for cause of Accusation
18 against AMERICAN NATIONAL MORTGAGE ASSOCIATION, INC.; MEIR LEVIN;
19 and GREGORY ALLEN SEALE; is informed and alleges as follows:

20 I

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

24 II

25 At all times herein mentioned until March 4, 1996,
26 Respondent AMERICAN NATIONAL MORTGAGE ASSOCIATION, INC., ("ANMA")
27 was licensed and/or had license rights under the Real Estate Law,

1 Part 1 of Division 4 of the Business and Professions Code ("Code")
2 as a real estate brokerage corporation, by and through Respondent
3 MEIR LEVIN ("LEVIN") as its Designated Officer. From March 5,
4 1996, until July 17, 1996, Respondent ANMA was licensed by and
5 through Respondent GREGORY ALLEN SEALE ("SEALE"). From July 18,
6 1996, though October 31, 1996, ANMA was licensed by and through
7 Joseph Maria Marcarelli II. From November 1, 1996, through
8 September 27, 1997, ANMA was licensed by and through Edward Ray
9 Parcaut. As of the date of the filing of this Accusation, ANMA
10 had no qualifying officer. ANMA was formerly known as P C
11 Mortgage, Inc., but changed its corporate name to American
12 National Mortgage Exchange, Inc., on or about October 3, 1996.
13 All references herein to ANMA are to the same corporation as it is
14 named at the time of filing and as it was named P C Mortgage, Inc.

15 III

16 At the times mentioned herein, Respondent LEVIN was
17 licensed and/or has license rights under the Code, individually
18 and, during the period specified in Paragraph II above, as
19 Designated Officer of Respondent ANMA.

20 IV

21 At the times mentioned herein, Respondent SEALE was
22 licensed and/or has license rights under the Code, individually
23 and, during the period specified in Paragraph II above, as
24 Designated Officer of Respondent ANMA.

25 V

26 At all times mentioned herein, Respondent ANMA engaged
27 in the business of, acted in the capacity of, advertised or



1 assumed to act as a real estate broker within the State of
2 California, including the operation and conduct of a mortgage loan
3 brokerage business with the public wherein lenders and borrowers
4 were solicited for loans secured directly or collaterally by liens
5 on real property, wherein such loans were arranged, negotiated,
6 processed, and consummated on behalf of others for compensation or
7 in expectation of compensation.

8 VI

9 During the course of the mortgage loan brokerage
10 activities described in Paragraph V above, Respondent ANMA
11 received and disbursed funds held in trust on behalf of another or
12 others.

13 VII

14 Within the three-year period immediately preceding the
15 filing of this Accusation, Respondent ANMA maintained the
16 following trust account for its mortgage loan brokerage business:

17 Wells Fargo Bank
18 6961 El Camino Real
19 Carlsbad, CA

20 Account No. 0905-019220

21 Title: P C Mortgage, Inc.

22 VIII

23 Commencing on March 21, 1996, and continuing through
24 May 9, 1996, an investigative audit was made by the Department of
25 Real Estate (hereinafter "Department") of Respondent AMNA's
26 records for the period of July 1, 1995, through April 8, 1996, as
27 those records relate to Respondent AMNA's licensed activities in
its real estate mortgage loan brokerage business.



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IX

During the period from July 1, 1995, through April 8, 1996, the trust account identified in Paragraph VII above was not in the name of Respondent ANMA as trustee at a bank or other financial institution as required by Section 2830 of Title 10, California Code of Regulations (hereinafter "Regulations"), nor was it designated as a trust account as required by Section 2830 of the Regulations.

X

During the period from July 1, 1995, through April 8, 1996, Respondent ANMA failed to maintain adequate columnar records of all trust funds received and disbursed in the manner required by Section 2831 of the Regulations.

XI

During the period from July 1, 1995, through April 8, 1996, Respondent ANMA failed to reconcile the balances of all separate beneficiary or transaction records maintained with the record of all trust funds received and disbursed at least once a month, in violation of Section 2831.2 of the Regulations.

XII

During the period from July 1, 1995, through April 8, 1996, Respondent ANMA, in connection with its mortgage loan brokerage activities, failed to present to all borrowers, before said borrowers became obligated to complete the loan, a statement with the contents set forth in Section 10241 of the Code, in violation of Section 10240(a) of the Code.

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XIII

During the period from July 1, 1995, through April 8, 1996, Respondent ANMA failed to have a written agreement with each of its salespersons, in violation of Section 2726 of the Regulations.

XIV

During the period from July 1, 1995, through April 8, 1996, in connection with the collection and disbursement of trust funds as described in Paragraph V above, Respondent ANMA commingled with its own money or property, the money or property of others which was received and held by Respondent ANMA.

XV

In connection with the collection and disbursement of trust funds, Respondent ANMA failed to deposit and maintain trust funds in the trust account in such manner that as of March 4, 1996, there was a shortage of at least \$475.95 of trust funds.

XVI

During the period from July 1, 1995, through April 8, 1996, Respondent ANMA disbursed, or caused or permitted the disbursement of, trust funds from the trust account, without the prior written consent of every principal who was an owner of the funds in the account, where the disbursement reduced the balance of funds in the accounts to an amount which was at least \$475.95 less than the existing aggregate trust fund liability of Respondent ANMA to all owners of said funds, in violation of Section 10145 of the Code and Section 2832.1 of the Regulations.

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XVII

Respondent AMNA's acts and omissions alleged above in Paragraphs IX through XIII constitute cause for discipline under the provisions of Section 10177(d) of the Code.

XVIII

Respondent AMNA's acts and omissions alleged above in Paragraph XIV constitute cause for discipline under the provisions of Section 10176(e) of the Code.

XIX

Respondent AMNA's acts and omissions alleged above in Paragraphs XV and XVI constitute cause for discipline under Section 10177(d) of the Code in conjunction with Section 10145 of the Code and Section 2832.1 of the Regulations.

XX

During the period from July 1, 1995, through March 4, 1996, Respondent LEVIN, as designated broker-officer for Respondent ANMA, failed to exercise reasonable supervision and control over the licensed activities of Respondent ANMA as required by Section 10159.2 of the Code. Such failure is cause for the suspension or revocation of Respondent LEVIN's licenses and/or license rights under Section 10177(h) of the Code.

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During the period from March 5, 1996, through July 17, 1996, Respondent SEALE, as designated broker-officer for Respondent ANMA, failed to exercise reasonable supervision and control over the licensed activities of Respondent ANMA as required by Section 10159.2 of the Code. Such failure is cause

1 for the suspension or revocation of Respondent SEALE's licenses
2 and/or license rights under Section 10177(h) of the Code.

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

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Dated at San Diego, California,

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this 3rd day of December, 1997.

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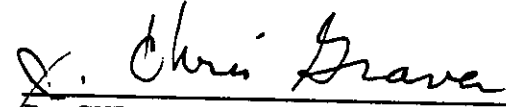
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J. CHRIS GRAVES
Deputy Real Estate Commissioner

