

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187007
3 Sacramento, CA 95818-7007

4 Telephone: (916) 227-0789

FILED

MAY - 4 2011

DEPARTMENT OF REAL ESTATE

By K. Contreras

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

11 * * *

12 In the Matter of the Accusation of)
13)
14)
15)
16)
17)

CONNECTS REAL ESTATE AND INVESTMENTS, INC., a Corporation, and SUNMEET NARINDER ANAND, Respondents.)	NO. H-2458 FR
)	<u>STIPULATION AND AGREEMENT</u> <u>IN SETTLEMENT AND ORDER</u> (as to SUNMEET NARINDER ANAND only)

18 It is hereby stipulated by and between Respondent SUNMEET NARINDER
19 ANAND (herein "Respondent ANAND"), individually, by and through Paul L. Gumina, attorney
20 of record herein for Respondent ANAND, and the Complainant, acting by and through Mary F.
21 Clarke, Counsel for the Department of Real Estate (herein "the Department"), as follows for the
22 purpose of settling and disposing of the Accusation filed on February 26, 2010, in this matter:

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

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

4 3. A Notice of Defense was filed on March 8, 2010 by Respondent ANAND,
5 pursuant to Section 11505 of the Government Code for the purpose of requesting a hearing on
6 the allegations in the Accusation. Respondent ANAND hereby freely and voluntarily withdraws
7 said Notice of Defense. Respondent ANAND acknowledges that he understands that by
8 withdrawing said Notice of Defense, he will thereby waive his right to require the Real Estate
9 Commissioner (herein "the Commissioner") to prove the allegations in the Accusation at a
10 contested hearing held in accordance with the provisions of the APA and that he will waive other
11 rights afforded to him in connection with the hearing such as the right to present evidence in
12 defense of the allegations in the Accusation and the right to cross-examine witnesses.

13 4. Respondent ANAND, pursuant to the limitations set forth below, hereby
14 admits that the factual allegations pertaining to him in the Accusation filed in this proceeding are
15 true and correct and the Commissioner shall not be required to provide further evidence of such
16 allegations.

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

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

- 1 (d) as to Paragraph 8(d) in the Accusation and Respondent CREI under Section
2 10145 of the Code and Section 2832 of the Regulations, in conjunction with
3 Section 10177(d) of the Code;
- 4 (e) as to Paragraph 8(e) in the Accusation and Respondent CREI under Section
5 2834 of the Regulations in conjunction with Section 10177(d) of the Code;
- 6 (f) as to Paragraph 8(f) in the Accusation and Respondent CREI under Section
7 10176(e) of the Code and Section 2835 of the Regulations, in conjunction
8 with Section 10177(d) of the Code;
- 9 (g) as to Paragraph 9(a) in the Accusation and Respondent CREI under Section
10 10240 of the Code, in conjunction with Section 10177(d) of the Code;
- 11 (h) as to Paragraph 9(b) in the Accusation and Respondent CREI under Section
12 2726 of the Regulations in-conjunction with Section 10177(d) of the Code;
- 13 (i) as to Paragraph 9(c) in the Accusation and Respondent CREI under Section
14 10161.8 of the Code, in conjunction with Section 10177(d) of the Code;
- 15 (j) as to Paragraph 9(d) in the Accusation and Respondent CREI under Section
16 10148 of the Code, in conjunction with Section 10177(d) of the Code;
- 17 (k) as to Paragraph 10 in the Accusation and Respondent CREI under Section
18 10130 of the Code, in conjunction with Section 10177(d) of the Code; and
- 19 (l) as to Paragraph 11 in the Accusation and Respondent ANAND under Sections
20 10177(g) and (h) and 10159.2 of the Code, in conjunction with Section
21 10177(d) of the Code.

22 ORDER

23

24 All licenses and licensing rights of Respondent ANAND under the Real Estate
25 Law are revoked; provided, however, a restricted real estate broker license shall be issued to
26 Respondent ANAND pursuant to Section 10156.5 of the Code if, within 90 days from the
27 effective date of the Decision entered pursuant to this Order, Respondent ANAND, prior to and

1 as a condition of the issuance of said restricted license makes application for the restricted
2 license and pays to the Department the appropriate fee therefor.

3 1. The restricted license issued to Respondent ANAND shall be subject to all of the
4 provisions of Section 10156.7 of the Code and to the following limitations,
5 conditions, and restrictions imposed under authority of Section 10156.6 of that Code:

6 (a). The restricted license issued to Respondent ANAND may be suspended
7 prior to hearing by Order of the Commissioner in the event of Respondent
8 ANAND's conviction or plea of nolo contendere to a crime which is
9 substantially related to Respondent ANAND's fitness or capacity as a real
10 estate licensee.

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

17 2. Respondent ANAND shall not be eligible to apply for the issuance of an unrestricted
18 real estate license or for the removal of any of the conditions, limitations or restrictions
19 of a restricted license until two (2) years have elapsed from the effective date of this
20 Order.

21 3. Pursuant to Section 10148 of the Code, Respondent ANAND shall pay the sum of
22 \$10,754.09 for the Commissioner's cost of the audit which led to this disciplinary
23 action. Respondent ANAND shall pay such cost within 60 days of receiving an
24 invoice therefor from the Commissioner. The Commissioner may suspend the
25 restricted license issued to Respondent ANAND pending a hearing held in accordance
26 with Section 11500, et seq., of the Government Code, if payment is not timely made
27 as provided for herein, or as provided for in a subsequent agreement between

1 Respondent ANAND and the Commissioner. The suspension shall remain in effect
2 until payment is made in full or until Respondent ANAND enters into an agreement
3 satisfactory to the Commissioner to provide for payment, or until a decision providing
4 otherwise is adopted following a hearing held pursuant to this condition.

5 4. Respondent ANAND shall pay the Commissioner's reasonable cost for an audit of
6 WDB Realty and Finance, DRE License #1873071, to determine if Respondent
7 ANAND is compliant with the Real Estate Law and Regulations. In calculating the
8 amount of the Commissioner's reasonable cost, the Commissioner may use the
9 estimated average hourly salary for all persons performing audits of real estate
10 brokers, and shall include an allocation for travel time to and from the auditor's place
11 of work. Respondent ANAND shall pay such cost within 60 days of receiving an
12 invoice therefor from the Commissioner detailing the activities performed during the
13 audit and the amount of time spent performing those activities. The Commissioner
14 may suspend the restricted license issued to Respondent ANAND pending a hearing
15 held in accordance with Section 11500, et seq., of the Government Code, if payment
16 is not timely made as provided for herein, or as provided for in a subsequent
17 agreement between Respondent ANAND and the Commissioner. The suspension
18 shall remain in effect until payment is made in full or until Respondent ANAND
19 enters into an agreement satisfactory to the Commissioner to provide for payment, or
20 until a decision providing otherwise is adopted following a hearing held pursuant to
21 this condition.

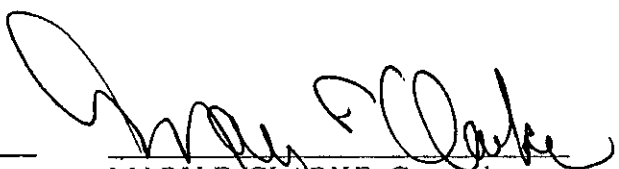
22 5. Respondent ANAND shall, within nine (9) months from the effective date of the
23 Order, present evidence satisfactory to the Commissioner that Respondent ANAND
24 has, since the most recent issuance of an original or renewal real estate license, taken
25 and successfully completed the continuing education requirements of Article 2.5 of
26 Chapter 3 of the Real Estate Law for renewal of a real estate license. If Respondent
27 ANAND fails to satisfy this condition, the Commissioner may order the suspension

1 of the restricted license until Respondent ANAND presents such evidence. The
2 Commissioner shall afford Respondent ANAND the opportunity for a hearing
3 pursuant to the APA to present such evidence.

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

10
11 3-8-11

12 _____
DATED



13 MARY F. CLARKE, Counsel
14 DEPARTMENT OF REAL ESTATE

15 * * *

16 I have read the Stipulation and Agreement in Settlement and Order and have
17 discussed it with my attorney and its terms are understood by me and are agreeable and
18 acceptable to me. I understand that I am waiving rights given to me by the California APA
19 (including but not limited to Sections 11506, 11508, 11509, and 11513 of the Government
20 Code), and I willingly, intelligently, and voluntarily waive those rights, including the right of
21 requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I
22 would have the right to cross-examine witnesses against me and to present evidence in defense
23 and mitigation of the charges.

24 3/3/11

25 _____
DATED


26 SUNMEET NARINDER ANAND
Respondent

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I have reviewed the Stipulation and Agreement in Settlement and Order as to form and content and have advised my client accordingly.

Feb 28, 2011

DATED

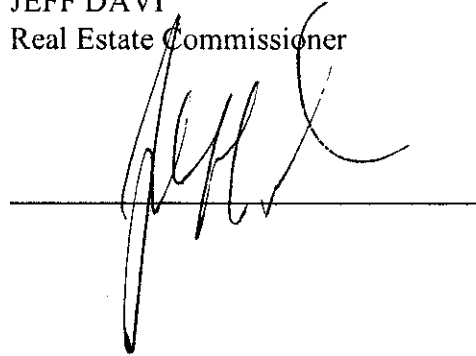


PAUL L. GUMINA
Attorney for Respondent

The foregoing Stipulation and Agreement in Settlement and Order is hereby adopted by me as my Decision in this matter and shall become effective at 12 o'clock noon on
May 24, 2011.

IT IS SO ORDERED 4-20, 2011.

JEFF DAVI
Real Estate Commissioner



BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED

MAR 23 2011

DEPARTMENT OF REAL ESTATE

By K. Contreras

In the Matter of the Accusation of)
)
CONNECTS REAL ESTATE AND)
INVESTMENTS, INC.,)
a Corporation, and)
SUNMEET NARINDER ANAND,)
Respondents.)
_____)

NO. H-2458 FR

(As to CONNECTS REAL ESTATE
AND INVESTMENTS, INC., Only)

DECISION

This Decision is being issued as to Respondent CONNECTS REAL ESTATE AND INVESTMENTS, INC., only (herein "CREI") 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 March 9, 2011. The Findings of Fact set forth herein are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and/or, (3) other evidence.

This Decision revokes a real estate license on grounds of trust fund violations, acting without a license, and failure to perform corporate broker duty responsibilities in connection with mortgage loan disclosures, written agreements with salesperson licensees, and the three (3) year record retention requirement.

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

FINDINGS OF FACT

1

On February 17, 2010, Luke Martin made the Accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and form for the Notice of Defense were mailed, by certified and regular mail to Respondent CREI at all mailing addresses on file with the Department on February 26, 2010.

On March 9, 2011, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondent CREI's default was entered herein.

2

At all times herein mentioned, Respondent CREI was and now is licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) (herein "the Code").

3

At all times herein mentioned, CREI was and now is licensed by the State of California Department of Real Estate (herein the "Department") as a corporate real estate broker by and through Respondent SUNMEET NARINDER ANAND (herein "ANAND") as designated officer-broker of Respondent CREI to qualify said corporation and to act for said corporation as a real estate broker.

4

At all times herein mentioned, Respondent CREI engaged in the business of, acted in the capacity of, advertised, or assumed to act as a corporate real estate broker within the State of California on behalf of others, for compensation or in expectation of compensation within the meaning of:

- a) Section 10131(b) of the Code in 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 CREI and Respondent ANAND 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) Section 10131(d) of the Code, including the operation and conduct of a mortgage loan brokerage wherein Respondent CREI and Respondent ANAND solicited borrowers or lenders for or negotiated loans or collected payments or performed services for borrowers or lenders or note owners in connection with loans secured directly or collaterally by liens on real property or on a business opportunity.

5

In so acting as a real estate broker, as described in Paragraph 4, above, Respondent CREI accepted or received funds in trust (herein "trust funds") from or on behalf of owners, tenants, borrowers, lenders, and others in connection with the leasing, renting, and collection of rents on real property or improvements thereon and mortgage loan activities and services.

6

The aforesaid trust funds accepted or received by Respondent CREI were deposited or caused to be deposited by Respondent CREI into one or more bank accounts (herein "trust fund accounts") maintained by Respondent CREI for the handling of trust funds at the Livermore, California, branch of Bank of the West, including but not necessarily limited to:

- (a) "Connects Re and Investments Prop Mgmt Div/Trust Account", account number xxx-xx1771 (herein "Bank Account #1"); and
- (b) "Connects Re and Investments Prop Mgmt Div/Security Dep", account number xxx-xx1805 (herein "Bank Account #2").

7

Between about September 1, 2007 and about May 31, 2008, in connection with the collection and disbursement of said trust funds, Respondent CREI:

(a) failed to keep a columnar record in chronological sequence of all trust funds received and disbursed from Bank Accounts #1 and #2 containing all the information required by Section 2831 of Title 10 Chapter 6 of the California Code of Regulations (herein "the Regulations");

(b) failed to keep a separate record for each beneficiary or transaction for Bank Accounts #1 and #2 containing all the information required by Section 2831.1 of the Regulations;

(c) failed to reconcile at least once a month, the balance of all separate beneficiary or transaction records with Bank Accounts #1 and #2, as required by Section 2831.2 of the Regulations;

(d) failed to place trust funds entrusted to Respondent CREI into the hands of a principal on whose behalf the funds were received, into a neutral escrow depository, or into a trust fund account in the name of Respondent CREI as trustee at a bank or other financial institution, in that Respondent CREI and Respondent ANAND placed such funds in Bank Accounts #1 and #2, in violation of Section 10145 of the Code and Section 2832 of the Regulations;

(e) authorized Tom Nguyen and Geeranan Narksompop (herein "Narksompop"), unlicensed persons without fidelity bond coverage, to make withdrawals from Bank Accounts #1, #2, in violation of Section 2834 of the Regulations; and

(f) caused, suffered or permitted money of others which was received and held by Respondent CREI as trustee in Bank Account #1 to be commingled with Respondent CREI's own money, in violation of Section 10176(e) of the Code and Section 2835 of the Regulations.

8

Between about September 1, 2007 and about May 31, 2008, in connection with the activities described in Paragraph 5, above, Respondent CREI:

(a) failed to provide Mortgage Loan Disclosure Statements to borrower Preston Turner for a loan on 9079 Cambridge Circle, Vallejo, CA and to borrower Esiquio and Diana Alvarez for a loan on 2721 Big Tree Ave, Denair, CA, which contained all the information required by Section 10240 of the Code;

(b) failed to obtain a written agreement with salesperson, Amber Milton (herein "Milton"), in conformance with all the requirements of Section 2726 of the Regulations;

(c) failed to immediately notify the Department when real estate salesperson Milton entered the employ of CREI, as required by Section 10161.8 of the Code; and

(d) failed to retain for three (3) years, copies of all listings, deposit receipts, canceled checks, trust records, and other documents executed or obtained in connection with any transactions for which a real estate broker license is required, as required by Section 10148 of the Code.

9

Between about August 20, 2007 and about November 1, 2007, CREI entered into property management agreements, a time when Respondent CREI was not licensed by the Department, in violation of Section 10130 of the Code, with the following owners:

<u>Owner</u>	<u>Property Address</u>	<u>Date of Agreement</u>
Hassan Jamal	83 Lovorno Merced, CA 95340	8/20/07
Frank Hubble	902 Martine Atwater, CA 95301	8/20/07
Bryce Hart	2417 Olive Merced, CA 95340	10/1/07
Michael Lee	720 Roundhill Dr. Merced, CA 95348	11/1/07

DETERMINATION OF ISSUES

1

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

(a) as to Paragraph 7(a) and Respondent CREI under Section 2831 of the Regulations, in conjunction with Section 10177(d) of the Code;

(b) as to Paragraph 7(b) and Respondent CREI under Section 2831.1 of the Regulations, in conjunction with Section 10177(d) of the Code;

(c) as to Paragraph 7(c) and Respondent CREI under Section 2831.2 of the Regulations, in conjunction with Section 10177(d) of the Code;

(d) as to Paragraph 7(d) and Respondent CREI under Section 10145 of the Code and Section 2832 of the Regulations, in conjunction with Section 10177(d) of the Code;

- (e) as to Paragraph 7(e) and Respondent CREI under Section 2834 of the Regulations in conjunction with Section 10177(d) of the Code;
- (f) as to Paragraph 7(f) and Respondent CREI under Section 10176(e) of the Code and Section 2835 of the Regulations, in conjunction with Section 10177(d) of the Code;
- (g) as to Paragraph 8(a) and Respondent CREI under Section 10240 of the Code, in conjunction with Section 10177(d) of the Code;
- (h) as to Paragraph 8(b) and Respondent CREI under Section 2726 of the Regulations in conjunction with Section 10177(d) of the Code;
- (i) as to Paragraph 8(c) and Respondent CREI under Section 10161.8 of the Code, in conjunction with Section 10177(d) of the Code;
- (j) as to Paragraph 8(d) and Respondent CREI under Section 10148 of the Code, in conjunction with Section 10177(d) of the Code; and,
- (k) as to Paragraph 9 and Respondent CREI under Section 10130 of the Code, in conjunction with Section 10177(d) of the Code.

2

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

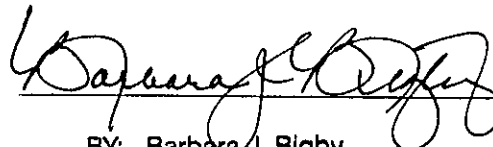
ORDER

The real estate license and license rights of Respondent CONNECTS REAL ESTATE AND INVESTMENTS, INC., under the provisions of Part I of Division 4 of the Business and Professions Code, are hereby revoked.

This Decision shall become effective at 12 o'clock noon on April 12, 2011.

DATED: 3/21, 2011.

JEFF DAVI
Real Estate Commissioner



BY: Barbara J. Bigby
Chief Deputy Commissioner

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187007
3 Sacramento, CA 95818-7007

4 Telephone: (916) 227-0789

FILED

MAR - 9 2011

DEPARTMENT OF REAL ESTATE

By K. Conteras

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12)
13 CONNECTS REAL ESTATE AND) NO. H-2458 FR
14 INVESTMENTS, INC.,)
15 a Corporation, and) DEFAULT ORDER
16 SUNMEET NARINDER ANAND,)
17 Respondents.) (As to CONNECTS REAL ESTATE
18) AND INVESTMENTS, INC., Only)
19)

20 Respondent CONNECTS REAL ESTATE AND INVESTMENTS, INC., only,
21 having failed to file a Notice of Defense within the time required by Section 11506 of the
22 Government Code, is now in default. It is, therefore, ordered that a default be entered on the
23 record in this matter as to CONNECTS REAL ESTATE AND INVESTMENTS, INC., only.

24 IT IS SO ORDERED March 9, 2011.

25 JEFF DAVI
26 Real Estate Commissioner

27 By:

Phillip Hilde
PHILLIP HILDE
Regional Manager

1 MARY F. CLARKE, Counsel (SBN 186744)
2 Department of Real Estate
3 P. O. Box 187007
4 Sacramento, CA 95818-7007

5 Telephone: (916) 227-0789
6 -or- (916) 227-0780 (Direct)

FILED

FEB 26 2010

DEPARTMENT OF REAL ESTATE

By K. Contreras

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

11 * * *

12 In the Matter of the Accusation of)
13)
14 CONNECTS REAL ESTATE AND) NO. H- 2458 FR
15 INVESTMENTS, INC., a Corporation, and)
16 SUNMEET NARINDER ANAND,) ACCUSATION
17 Respondents.)

18 The Complainant, LUKE MARTIN, a Deputy Real Estate Commissioner of the
19 State of California, for cause of Accusation against CONNECTS REAL ESTATE AND
20 INVESTMENTS, INC., (herein "CREI"), and SUNMEET NARINDER ANAND (herein
21 "ANAND") (herein collectively "Respondents"), is informed and alleges as follows:

22 1

23 The Complainant makes this Accusation in his official capacity.

24 2

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

1
2 At all times herein mentioned, CREI was and now is licensed by the State of
3 California Department of Real Estate (herein the "Department") as a corporate real estate broker
4 by and through ANAND as designated officer-broker of CREI to qualify said corporation and to
5 act for said corporation as a real estate broker. CREI's corporate real estate license was issued
6 November 19, 2007.

7
8 At all times herein mentioned, ANAND was and now is licensed by the
9 Department as a real estate broker, individually and as designated officer-broker of CREI. As
10 said designated officer-broker, ANAND was at all times mentioned herein responsible pursuant
11 to Section 10159.2 of the Code for the supervision of the activities of the officers, agents, real
12 estate licensees and employees of CREI for which a license is required.

13
14 At all times herein mentioned, Respondent CREI engaged in the business of,
15 acted in the capacity of, advertised, or assumed to act as a real estate broker within the State of
16 California on behalf of others, for compensation or in expectation of compensation within the
17 meaning of:

18 (a) Section 10131(b) of the Code in the operation and conduct of a property
19 management business with the public wherein, on behalf of others, for compensation or in
20 expectation of compensation, Respondents leased or rented and offered to lease or rent, and
21 placed for rent, and solicited listings of places for rent, and solicited for prospective tenants of real
22 property or improvements thereon, and collected rents from real property or improvements
23 thereon; and,

24 (b) Section 10131(d) of the Code, including the operation and conduct of a
25 mortgage loan brokerage wherein Respondents solicit borrowers or lenders for or negotiate loans
26 or collect payments or perform services for borrowers or lenders or note owners in connection
27 with loans secured directly or collaterally by liens on real property or on a business opportunity.

In so acting as a real estate broker, as described in Paragraph 5 above, CREI accepted or received funds in trust (herein "trust funds") from or on behalf of owners, tenants, and others in connection with the leasing, renting, and collection of rents on real property or improvements thereon.

The aforesaid trust funds accepted or received by Respondent CREI were deposited or caused to be deposited by Respondent CREI into one or more bank accounts (herein "trust fund accounts") maintained by Respondent CREI for the handling of trust funds at the Livermore, California, branch of Bank of the West, including but not necessarily limited to:

(a) "Connects Re and Investments Prop Mgmt Div/Trust Account", account number 190-131771 (herein "Bank Account #1"); and,

(b) "Connects Re and Investments Prop Mgmt Div/Security Dep", account number 190-131805 (herein "Bank Account #2").

Between about September 1, 2007 and about May 31, 2008, in connection with the collection and disbursement of said trust funds, Respondent CREI:

(a) failed to keep a columnar record in chronological sequence of all trust funds received and disbursed from Bank Accounts #1 and #2 containing all the information required by Section 2831 of Title 10 Chapter 6 of the California Code of Regulations (herein "the Regulations");

(b) failed to keep a separate record for each beneficiary or transaction for Bank Accounts #1 and #2 containing all the information required by Section 2831.1 of the Regulations;

(c) failed to reconcile at least once a month, the balance of all separate beneficiary or transaction records with Bank Accounts #1 and #2, as required by Section 2831.2 of the Regulations;

1 (d) failed to place trust funds entrusted to Respondent CREI into the hands of a
2 principal on whose behalf the funds were received, into a neutral escrow depository, or into a
3 trust fund account in the name of Respondent CREI as trustee at a bank or other financial
4 institution, in that Respondents placed such funds in Bank Accounts #1 and #2, as required by
5 Section 10145 of the Code and Section 2832 of the Regulations;

6 (e) authorized Tom Nguyen and Geeranan Narksompop (herein "Narksompop"),
7 unlicensed persons without fidelity bond coverage, to make withdrawals from Bank Accounts #1
8 and #2, in violation of Section 2834 of the Regulations; and,

9 (f) caused, suffered or permitted money of others which was received and
10 held by Respondent CREI as trustee in Bank Account #1 to be commingled with Respondent
11 CREI's own money, in violation of Section 10176(e) of the Code and Section 2835 of the
12 Regulations.

13 9

14 Between about September 1, 2007 and about May 31, 2008, in connection with
15 the activities described in Paragraph 5, above, Respondent CREI:

16 (a) failed to provide Mortgage Loan Disclosure Statements to borrower
17 Preston Turner for a loan on 9079 Cambridge Circle, Vallejo, CA; and to borrower Esiquio and
18 Diana Alvarez for a loan on 2721 Big Tree Ave, Denair, CA, which contained all the information
19 required by Section 10240 of the Code;

20 (b) failed to obtain a written agreement with salesperson, Amber Milton
21 (herein "Milton"), in conformance with all the requirements of Section 2726 of the Regulations;

22 (c) failed to immediately notify the Department when real estate salesperson
23 Milton entered the employ of CREI as required by Section 10161.8 of the Code; and,

24 (d) failed to retain for three (3) years, copies of all listings, deposit receipts,
25 canceled checks, trust records, and other documents executed or obtained in connection with any
26 transactions for which a real estate broker license is required as required by Section 10148 of the
27 Code.

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Between about August 20, 2007 and about November 1, 2007, CREI entered into Property Managements agreements, a time when CREI was not licensed by the Department, in violation of Section 10130 of the Code, with the following owners:

<u>Owner</u>	<u>Property Address</u>	<u>Date of Agreement</u>
Hassan Jamal	83 Lovorno Merced, CA 95340	8/20/07
Frank Hubble	2902 Martine Atwater, CA 95301	8/20/07
Bryce Hart	2417 Olive Merced, CA 95340	10/1/07
Michael Lee	720 Roundhill Dr. Merced, CA 95348	11/1/07

At all times mentioned herein, ANAND failed to exercise reasonable supervision over the acts of CREI and its agents and employees in such a manner as to allow the acts and omissions on the part of CREI, described above, to occur in violation of Sections 10177(g) and (h) and 10159.2 of the Code.

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

- (a) as to Paragraph 8(a) and Respondent CREI under Section 2831 of the Regulations, in conjunction with Section 10177(d) of the Code;
- (b) as to Paragraph 8(b) and Respondent CREI under Section 10145 of the Code and Section 2831.1 of the Regulations, in conjunction with Section 10177(d) of the Code;
- (c) as to Paragraph 8(c) and Respondent CREI under Section 2831.2 of the Regulations, in conjunction with Section 10177(d) of the Code;

1 (d) as to Paragraph 8(d) and Respondent CREI under Section 10145 of the Code
2 and Section 2832 of the Regulations, in conjunction with Section 10177(d) of the Code;

3 (e) as to Paragraph 8(e) and Respondent CREI under Section 2834 of the
4 Regulations in conjunction with Section 10177(d) of the Code;

5 (f) as to Paragraph 8(f) and Respondent CREI under Section 10176(e) of the
6 Code and Section 2835 of the Regulations, in conjunction with Section 10177(d) of the Code;

7 (g) as to Paragraph 9(a) and Respondent CREI under Section 10240 of the
8 Code, in conjunction with Section 10177(d) of the Code;

9 (h) as to Paragraph 9(b) and Respondent CREI under Section 2726 of the
10 Regulations in conjunction with Section 10177(d) of the Code;

11 (i) as to Paragraph 9(c) and Respondent CREI under Section 10161.8 of the
12 Code, in conjunction with Section 10177(d) of the Code;

13 (j) as to Paragraph 9(d) and Respondent CREI under Section 10148 of the
14 Code, in conjunction with Section 10177(d) of the Code;

15 (i) as to Paragraph 10 and Respondent CREI under Section 10130 of the Code,
16 in conjunction with Section 10177(d) of the Code; and,

17 (l) as to Paragraph 11 and Respondent ANAND under Sections 10177(g) and
18 (h) and 10159.2 of the Code, in conjunction with Section 10177(d) of the Code.

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

24 

25 LUKE MARTIN
26 Deputy Real Estate Commissioner

27 Dated at Fresno, California
this 17th day of February, 2010.