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FILED

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DEPARTMENT OF REAL ESTATE
By *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
)
ASSOCIATES LAND COMPANY, INC., a)
California Corporation, and)
JANET YVONNE REID-BILLS,)
)
Respondents.)

NO. H-2561 FR

ACCUSATION

The Complainant, LUKE MARTIN, a Deputy Real Estate Commissioner of the
State of California, for Accusation against ASSOCIATES LAND COMPANY, INC., a
California corporation, doing business under the fictitious name of HELP-U-SELL
ASSOCIATES REALTY, and JANET YVONNE REID-BILLS is informed and alleges as
follows:

1

Respondent ASSOCIATES LAND COMPANY, INC. (hereinafter "Respondent
ASSOCIATES"), and Respondent JANET YVONNE REID-BILLS (hereinafter "Respondent
REID-BILLS") are presently licensed and/or have license rights under the Real Estate Law, Part
1 of Division 4 of the California Business and Professions Code (hereinafter "the Code").

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1 2
2 The Complainant, LUKE MARTIN, a Deputy Real Estate Commissioner of the
3 State of California, makes this Accusation against Respondents in his official capacity.

4 3
5 At all times herein mentioned, Respondent ASSOCIATES was and is licensed by
6 the Department of Real Estate (hereinafter "the Department") as a corporate real estate broker.

7 4
8 At all times herein mentioned, Respondent REID-BILLS was and is licensed by
9 the Department as an individual real estate broker.

10 5
11 At all times herein mentioned, Respondent REID-BILLS was and is licensed by
12 the Department as the designated broker/officer of Respondent ASSOCIATES. As said
13 designated broker/officer, Respondent REID-BILLS was at all times mentioned herein
14 responsible pursuant to Sections 10159.2 and 10177(h) of the Code for the supervision of the
15 activities of the officers, agents, real estate licensees and employees of Respondent
16 ASSOCIATES for which a real estate license is required.

17 6
18 Whenever reference is made in an allegation in this Accusation to an act or
19 omission of Respondent ASSOCIATES, such allegation shall be deemed to mean that the
20 officers, directors, employees, agents and real estate licensees employed by or associated with
21 Respondent ASSOCIATES committed such act or omission while engaged in the furtherance of
22 the business or operations of Respondent ASSOCIATES and while acting within the course and
23 scope of their corporate authority and employment.

24 7
25 At all times herein mentioned, Respondent REID-BILLS is and was an officer
26 and/or director of, and a principal stockholder of Respondent ASSOCIATES, and, therefore,
27 Respondent ASSOCIATES was and is the alter ego of Respondent REID-BILLS, and whenever

1 a reference is made to an act, omission or representation of Respondent ASSOCIATES, such
2 allegation shall be deemed to mean that Respondent REID-BILLS was so acting, failing to act,
3 and/or speaking.

4 8

5 At all times herein mentioned, the Department licensed Respondent
6 ASSOCIATES as a corporate real estate broker under the fictitious business name of HELP-U-
7 SELL ASSOCIATES REALTY.

8 9

9 At no time herein mentioned did the Department issue a real estate broker license
10 to Respondent REID-BILLS under any fictitious business name.

11 10

12 On or about March 6, 2009, the California Secretary of State suspended the
13 corporate powers, rights and privileges of Respondent ASSOCIATES, such powers, rights and
14 privileges have not been reinstated, and Respondent ASSOCIATES remains suspended.

15 11

16 At all times herein mentioned, Respondent REID-BILLS also acted in the
17 capacity of a licensed salesperson employee of Respondent ASSOCIATES while conducting
18 activities for which a real estate license is required on behalf of Respondent ASSOCIATES.

19 12

20 Within the three-year period prior to the filing of this Accusation and at all times
21 herein mentioned, Respondents engaged in the business of, acted in the capacity of, advertised,
22 or assumed to act as a real estate broker within the meaning of Section 10131(a) of the Code,
23 including, on behalf of others, for or in expectation of compensation, Respondents sold or
24 offered to sell, bought or offered to buy, solicited prospective sellers or purchases of, solicited or
25 obtained listings of, and/or negotiated the purchase or sale of real property.

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1 FIRST CAUSE OF ACTION

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3 There is hereby incorporated in this First, separate and distinct, Cause of Action,
4 all of the allegations contained in Paragraphs 1 through 12, inclusive, of the Accusation with the
5 same force and effect as if herein fully set forth.

6 14

7 In the course and scope of the activities set forth in Paragraph 12, above,
8 Respondent ASSOCIATES, through the solicitation and negotiation of its licensed employee,
9 Respondent REID-BILLS, entered into listing agreements with sellers to market and sell their
10 real property, solicited buyers, and/or negotiated the sale of said real properties on behalf of
11 sellers including, but not limited to, the following transactions:

12 Seller	Property	Buyer	Offer Date	Close Date
13 Atlantic Pacific REO 14 Resolutions & Mngmt..	2314 S. Holly Ave. Fresno, CA	Cesar G. Artega	2/19/09	3/16/09
15 Aurora Loan Services 16 LLC	1375 N. College Ave. Fresno, CA	Lee & Judith Ward	3/17/09	4/24/09
17 GRP Loan LLC	2119 W. Fir Ave. Fresno, CA	James R. Cagle	8/14/09	10/22/09
18				
19 Aurora Loan Services 20 LLC	1942 E. Richmond Fresno, CA	Daniel Kulibert Yinmun Chi	7/25/09	9/30/09
21 Deutsche Bank Nat'l. Trust Co.	1448 E. Sample Ave. Fresno, CA	Clara S. Johnson	5/8/09	6/12/09
22 Wells Fargo, NA	7307 - 4th Street Fresno, CA	Rodney L. Durst	5/18/09	6/26/09
23				
24 Horizon Home Loan 25 Corporation	10581 Oak Hill Cir. Fresno, CA	David E. Musson	9/9/09	10/22/09

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In the course and scope of the activities set forth in Paragraph 12, above, Respondent ASSOCIATES, through the solicitation and negotiation of its licensed employee, Respondent REID-BILLS, entered into listing agreements with sellers to market and sell their real property, solicited buyers, negotiated the sale of said real properties on behalf of sellers, and/or offered said real properties for sale on behalf of sellers including, but not limited to, the following listings:

Property	Listing Date	Listing Expiration Date	Sale/Close Date
3143 Burgan Ave. Clovis, CA	12/23/08	2/19/09	4/1/09
17440 McRae Rd. Madera, CA	9/12/08	5/13/09	3/12/09
49750 Pierce Dr. Oakhurst, CA	3/20/09	6/20/09	6/24/09
4783 Hamilton Ave. Fresno, CA	2/26/09	5/26/09	6/5/09
1835 Mayfair Dr. E. Fresno, CA	4/24/09	7/24/09	5/21/09
1448 E. Sample Ave. Fresno, CA	5/6/09	8/15/09	6/12/09
7307 N. 4th Street Fresno, CA	5/12/09	8/12/09	6/26/09
1942 E. Richmond Ave. Fresno, CA	7/16/09	10/16/09	9/30/09
2968 E. Richmond Ave. Fresno, CA	3/25/09	6/25/09	4/24/09
6330 E. Platt Ave.	6/17/09	9/17/09	9/3/09

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As set forth in Paragraphs 10, 12, 14 and 15, above, and at all times herein mentioned, Respondent ASSOCIATES has continued to engage in activities requiring a real estate license while its corporate status was suspended.

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The facts alleged in Paragraphs 10, 12, 14, 15 and 16, above, constitute cause for the suspension or revocation of all licenses and license rights of Respondent ASSOCIATES under Chapter 6, Title 10, California Code of Regulations (hereinafter "Regulations"), Section 2742(c) (corporate broker shall not engage in business of real estate broker while not in good standing with Secretary of State) in conjunction with Section 10177(d) of the Code (suspension or revocation of license for willful disregard or violation of the Real Estate Law, §§ 10000 et seq. and §§ 11000 et seq. of the Code, or of the Regulations).

SECOND CAUSE OF ACTION

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There is hereby incorporated in this Second, separate and distinct, Cause of Action, all of the allegations contained in Paragraphs 1 through 17, inclusive, of the Accusation with the same force and effect as if herein fully set forth.

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At all times herein mentioned, the business address of Respondent ASSOCIATES maintained on file with the Real Estate Commissioner was 8945 N. Chestnut Avenue in Fresno, California.

20

Within the three-year period prior to the filing of this Accusation, in or about October 2009, Respondent ASSOCIATES abandoned its main office address at 8945 N. Chestnut Avenue and has failed to maintain on file with the Real Estate Commissioner a new address for its principal place of business for its real estate brokerage activities.

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The facts alleged in Paragraphs 19 and 20, above constitute cause for the suspension or revocation of the licenses and license rights of Respondent ASSOCIATES under Section 2715 of the Regulations (every broker shall maintain on file with the commissioner the address of his principal place of business for brokerage activities) in conjunction with Section 10177(d) of the Code (suspension or revocation of license for willful disregard or violation of the Real Estate Law, §§ 10000 et seq. and §§ 11000 et seq. of the Code, or of the Regulations) and/or Section 10162 of the Code (every broker shall have and maintain a definite place of business in California which shall serve as office for transaction of business and where license shall be displayed) in conjunction with Section 10165 of the Code (any violation of Section 10162 serves as grounds for suspension or revocation of license).

THIRD CAUSE OF ACTION

There is hereby incorporated in this Third, separate and distinct, Cause of Action, all of the allegations contained in Paragraphs 1 through 21, inclusive, of the Accusation with the same force and effect as if herein fully set forth.

At all times herein mentioned, the business address of Respondent REID-BILLS maintained on file with the Real Estate Commissioner was 8947 N. Millbrook Avenue, #104, in Fresno, California.

Within the three-year period prior to the filing of this Accusation, in or about October 2009, Respondent REID-BILLS abandoned her main office address at 8947 N. Millbrook Avenue, and has failed to maintain on file with the Real Estate Commissioner a new address for her principal place of business for her real estate brokerage activities.

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The facts alleged in Paragraphs 23 and 24, above constitute cause for the suspension or revocation of the licenses and license rights of Respondent REID-BILLS under Section 2715 of the Regulations (every broker shall maintain on file with the commissioner the address of his principal place of business for brokerage activities) in conjunction with Section 10177(d) of the Code (suspension or revocation of license for willful disregard or violation of the Real Estate Law, §§ 10000 et seq. and §§ 11000 et seq. of the Code, or of the Regulations) and/or Section 10162 of the Code (every broker shall have and maintain a definite place of business in California which shall serve as office for transaction of business and where license shall be displayed) in conjunction with Section 10165 of the Code (any violation of Section 10162 serves as grounds for suspension or revocation of license).

FOURTH CAUSE OF ACTION

There is hereby incorporated in this Fourth, separate and distinct, Cause of Action, all of the allegations contained in Paragraphs 1 through 25, inclusive, of the Accusation with the same force and effect as if herein fully set forth.

At all times herein mentioned, Respondent ASSOCIATES and Respondent REID-BILLS, in the course and scope of the activities set forth in Paragraph 12, above, were subject to the provisions of Section 2079 of the Civil Code (it is the duty of a real estate broker or salesperson licensed through such broker to a prospective purchaser of residential real property comprising one to four dwelling units to conduct a reasonably competent and diligent visual inspection of the property and to disclose to purchaser all facts materially affecting value or desirability, if broker has written contract with seller to find a buyer) and to the provisions of Section 2079.2 of the Civil Code (standard of care owed by broker under this article is the degree of care that a reasonably prudent licensee would exercise and is measured by the degree

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1 of knowledge through education, experience, and examination, required to obtain a license
2 under the Real Estate Law).

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4 At all times herein mentioned, Respondent ASSOCIATES and Respondent
5 REID-BILLS, in the course and scope of the activities set forth in Paragraph 12, above, were
6 subject to the provisions of Section 1102.1 of the Civil Code (enactment of this provision
7 requiring use of disclosure statement set forth in Section 1102.6 of the Civil Code shall not be
8 construed to change the duty of a real estate broker or salesperson pursuant to Section 2079 of
9 the Civil Code).

10 29

11 Within the three-year period prior to the filing of this Accusation, in the course
12 and scope of the activities set forth in Paragraph 12, above, Respondent ASSOCIATES, through
13 the solicitation and negotiation of its licensed employee, Respondent REID-BILLS, entered into
14 a listing agreement with Atlantic Pacific REO Resolution and Management to market and sell
15 its residential real property identified as 2314 S. Holly Avenue in Fresno, California, negotiated
16 the sale of said real property on behalf of seller, and, on or about March 19, 2009, Respondent
17 REID-BILLS failed to perform the visual inspection and/or failed to disclose to the buyer all
18 facts materially affecting the value or desirability of the property and/or failed to provide any
19 facts materially affecting the value or desirability of the property as required pursuant to Section
20 2079 of the Civil Code.

21 30

22 Within the three-year period prior to the filing of this Accusation, in the course
23 and scope of the activities set forth in Paragraph 12, above, Respondent ASSOCIATES, through
24 the solicitation and negotiation of its licensed employee, Respondent REID-BILLS, entered into
25 a listing agreement with Aurora Loan Services LLC to market and sell its residential real
26 property identified as 1375 N. College Avenue in Fresno, California, negotiated the sale of said
27 real property on behalf of seller, and, on or about April 18, 2009, Respondent REID-BILLS

1 failed to perform the visual inspection and/or failed to disclose to the buyer all facts materially
2 affecting the value or desirability of the property and/or failed to provide any facts materially
3 affecting the value or desirability of the property as required pursuant to Section 2079 of the
4 Civil Code.

5 31

6 Within the three-year period prior to the filing of this Accusation, in the course
7 and scope of the activities set forth in Paragraph 12, above, Respondent ASSOCIATES, through
8 the solicitation and negotiation of its licensed employee, Respondent REID-BILLS, entered into
9 a listing agreement with GRP Loan LLC to market and sell its residential real property identified
10 as 2119 W. Fir Avenue in Fresno, California, negotiated the sale of said real property on behalf
11 of seller, and, on or about September 2, 2009, Respondent REID-BILLS failed to perform the
12 visual inspection and/or failed to disclose to the buyer all facts materially affecting the value or
13 desirability of the property and/or failed to provide any facts materially affecting the value or
14 desirability of the property as required pursuant to Section 2079 of the Civil Code.

15 32

16 Within the three-year period prior to the filing of this Accusation, in the course
17 and scope of the activities set forth in Paragraph 12, above, Respondent ASSOCIATES, through
18 the solicitation and negotiation of its licensed employee, Respondent REID-BILLS, entered into
19 a listing agreement with Aurora Loan Services LLC to market and sell its residential real
20 property identified as 1942 E. Richmond Avenue in Fresno, California, negotiated the sale of
21 said real property on behalf of seller, and, on or about July 17, 2009, Respondent REID-BILLS
22 failed to perform the visual inspection and/or failed to disclose to the buyer all facts materially
23 affecting the value or desirability of the property and/or failed to provide any facts materially
24 affecting the value or desirability of the property as required pursuant to Section 2079 of the
25 Civil Code.

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2 Within the three-year period prior to the filing of this Accusation, in the course
3 and scope of the activities set forth in Paragraph 12, above, Respondent ASSOCIATES, through
4 the solicitation and negotiation of its licensed employee, Respondent REID-BILLS, entered into
5 a listing agreement with Deutsche Bank National Trust Company, as Trustee for Long Beach
6 Mortgage Loan Trust 2005-1, to market and sell its residential real property identified as 1448
7 E. Sample Avenue in Fresno, California, negotiated the sale of said real property on behalf of
8 seller, and, on or about May 6, 2009, Respondent REID-BILLS failed to perform the visual
9 inspection and/or failed to disclose to the buyer all facts materially affecting the value or
10 desirability of the property and/or failed to provide any facts materially affecting the value or
11 desirability of the property as required pursuant to Section 2079 of the Civil Code. On or about
12 May 6, 2009, Respondent REID-BILLS submitted to the buyer's agent a written "Real Estate
13 Transfer Disclosure Statement" required pursuant to Section 1102.3 and 1102.6 of the Civil
14 Code, which contained at "Item III, Agent's Inspection Disclosure" the following statement:
15 "The listing agent is acting as a sales representative in this transaction & is not qualified or
16 trained to make many {sic} determinations regarding the condition or suitability of this
17 property."

18
19 Within the three-year period prior to the filing of this Accusation, in the course
20 and scope of the activities set forth in Paragraph 12, above, Respondent ASSOCIATES, through
21 the solicitation and negotiation of its licensed employee, Respondent REID-BILLS, entered into
22 a listing agreement with Wells Fargo N.A. as Trustee to market and sell its residential real
23 property identified as 7307 N. 4th Street in Fresno, California, negotiated the sale of said real
24 property on behalf of seller, and, on or about May 6, 2009, Respondent REID-BILLS failed to
25 perform the visual inspection and/or failed to disclose to the buyer all facts materially affecting
26 the value or desirability of the property and/or failed to provide any facts materially affecting the
27 value or desirability of the property as required pursuant to Section 2079 of the Civil Code. On

1 or about May 6, 2009, Respondent REID-BILLS submitted to the buyer's agent a written "Real
2 Estate Transfer Disclosure Statement" required pursuant to Section 1102.3 and 1102.6 of the
3 Civil Code, which contained at "Item III, Agent's Inspection Disclosure" the following
4 statement: "The listing agent is acting as a sales representative in this transaction & is not
5 qualified or trained to make many {sic} determinations regarding the condition or suitability of
6 this property."

7 35

8 Within the three-year period prior to the filing of this Accusation, in the course
9 and scope of the activities set forth in Paragraph 12, above, Respondent ASSOCIATES, through
10 the solicitation and negotiation of its licensed employee, Respondent REID-BILLS, entered into
11 a listing agreement with First Horizon Home Loan Corporation to market and sell its residential
12 real property identified as 10581 N. Oak Hill Circle in Fresno, California, negotiated the sale of
13 said real property on behalf of seller, and, on or about September 23, 2009, Respondent REID-
14 BILLS failed to perform the visual inspection and/or failed to disclose to the buyer all facts
15 materially affecting the value or desirability of the property and/or failed to provide any facts
16 materially affecting the value or desirability of the property as required pursuant to Section 2079
17 of the Civil Code. On or about September 23, 2009, Respondent REID-BILLS submitted to the
18 buyer's agent a written "Real Estate Transfer Disclosure Statement" required pursuant to
19 Section 1102.3 and 1102.6 of the Civil Code, which contained at "Item III, Agent's Inspection
20 Disclosure" the following statement: "The listing agent is acting as a sales representative in this
21 transaction & is not qualified or trained to make many {sic} determinations regarding the
22 condition or suitability of this property."

23 36

24 The facts alleged in Paragraphs 27 through 35, inclusive, above, constitute cause
25 for the suspension or revocation of all licenses and license rights of Respondent ASSOCIATES
26 and Respondent BILLS-REID under Section 10177(g) of the Code (demonstrated negligence or
27 incompetence in performing an act for which he or she is required to hold a license).

1 FIFTH CAUSE OF ACTION

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3 There is hereby incorporated in this Fifth, separate and distinct, Cause of Action,
4 all of the allegations contained in Paragraphs 1 through 36, inclusive, of the Accusation with the
5 same force and effect as if herein fully set forth.

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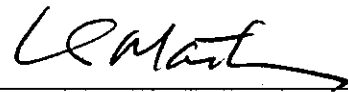
7 At all times above mentioned, Respondent REID-BILLS was responsible, as the
8 designated broker officer of Respondent ASSOCIATES, for the supervision and control of the
9 activities conducted on behalf of the corporation by its officers and employees. Respondent
10 REID-BILLS failed to exercise reasonable supervision and control over the real estate sale
11 activities of Respondent ASSOCIATES and its licensed employees. In particular, Respondent
12 REID-BILLS permitted, ratified, and/or caused the conduct described in the First, Second, Third
13 and Fourth Causes of Action, above, to occur, and failed to take reasonable steps, including but
14 not limited to maintaining the corporate status of Respondent ASSOCIATES in good standing
15 with the Secretary of State, notifying the Department of address changes, performance of visual
16 inspections of residential real property offered for sale, and/or preparation and submission of
17 complete and accurate Real Estate Transfer Disclosure Statements to buyers, the supervision of
18 employees, and the implementation of policies, rules, procedures, and systems to ensure the
19 compliance of the corporation and its licensed employees with the Real Estate Law (Business
20 and Professions Code Sections 10000 et seq. and Sections 11000 et seq.) and the
21 Commissioner's Regulations (Chapter 6, Title 10, California Code of Regulations).

22 23

23 The acts and/or omissions of Respondent REID-BILLS as described in Paragraph
24 38, above, constitute grounds for the suspension or revocation of the licenses and license rights
25 of Respondent REID-BILLS under the provisions of Section 10159.2 of the Code (designated
26 broker/officer responsible for supervision and control of activities conducted on behalf of
27 corporation by officers, licensed salespersons and employees to secure compliance with the Real

1 Estate Law) and Section 2725 of Chapter 6, Title 10, California Code of Regulations (broker
2 shall exercise reasonable supervision over: licensed employees; establish policies and
3 procedures for compliance with Real Estate Law; supervise transactions requiring a real estate
4 license; trust fund handling; etc.) all in conjunction with Section 10177(d) of the Code
5 (suspension or revocation of license for willful disregard or violation of the Real Estate Law,
6 Sections 10000 et seq. and Sections 11000 et seq. of the Code, or of Chapter 6, Title 10,
7 California Code of Regulations) and/or of Section 10177(h) of the Code (suspension or
8 revocation for broker or designated broker/officer who fails to exercise reasonable supervision
9 of licensed employees or licensed activities of broker corporation).

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



16 LUKE MARTIN
17 Deputy Commissioner

18 Dated at Fresno, California

19 this 29th day of November, 2010