

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

FILED
MAR - 5 2002

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 JOHN RICHARD KINSELLA,) NO. H-2608 SD
13 Respondent.) STIPULATION AND AGREEMENT
14)

15 It is hereby stipulated by and between JOHN RICHARD
16 KINSELLA (hereafter Respondent), represented by Robert E. Muir,
17 Attorney at Law, and the Complainant, acting by and through
18 Deidre L. Johnson, Counsel for the Department of Real Estate,
19 as follows for the purpose of settling and disposing the
20 Accusation filed on March 1, 2001 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), shall instead and in place thereof be
26 submitted solely on the basis of the provisions of this
27 Stipulation and Agreement.

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

4 3. On March 15, 2001, Respondent filed his Notice of
5 Defense pursuant to Section 11505 of the Government Code for the
6 purpose of requesting a hearing on the allegations in the
7 Accusation. Respondent hereby freely and voluntarily withdraws
8 said Notice of Defense. Respondent acknowledges that he
9 understands that by withdrawing said Notice of Defense he will
10 thereby waive his right to require the Commissioner to prove the
11 allegations in the Accusation at a contested hearing held in
12 accordance with the provisions of the APA, and that he will waive
13 other rights afforded to him in connection with the hearing such
14 as the right to present evidence in defense of the allegations in
15 the Accusation and the right to cross-examine witnesses.

16 4. Respondent, pursuant to the limitations set forth
17 below, hereby admits that the factual allegations pertaining to
18 him in Paragraphs I through IV of the Accusation filed in this
19 proceeding are true and correct and the Real Estate Commissioner
20 shall not be required to provide further evidence of such
21 allegations.

22 5. Without admitting the truth of the allegations
23 contained in the rest of the Accusation, Respondent stipulates
24 that he will not interpose a defense thereto. This Stipulation
25 is based on the factual allegations contained in the Accusation.
26 In the interests of expedience and economy, Respondent chooses
27 not to contest these allegations, but to remain silent and

1 understands that, as a result thereof, these factual allegations,
2 without being admitted or denied, will serve as a basis for the
3 disciplinary action stipulated to herein. The Real Estate
4 Commissioner shall not be required to provide further evidence to
5 prove said factual allegations.

6 6. Respondent has received, read, and understands
7 the "Notice Concerning Costs of Audits." Respondent
8 understands, by agreeing to this Stipulation and Agreement,
9 and after the findings set forth below in the "Determination
10 of Issues" become final, that the Commissioner may charge
11 Respondent for the costs of the following audits that have
12 been and may be conducted pursuant to Section 10148 of the
13 Business and Professions Code:

14 (a) Audit #SD 990075 dated August 7, 2000:
15 Not more than \$14,974.00;

16 (b) Future follow-up audit: Not more than
17 \$8,000.00.

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

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

8 * * *

9 DETERMINATION OF ISSUES

10 By reason of the foregoing stipulations and waivers,
11 and for the sole purpose of settlement of the pending Accusation
12 as to Respondent without a hearing, it is stipulated and agreed
13 that the following determination of issues shall be made:

14 The acts and/or omissions of Respondent JOHN RICHARD
15 KINSELLA as stipulated above violate Sections 10145 and 10159.5
16 of the California Business and Professions Code (hereafter the
17 Code), and Sections 2731, 2831, 2831.1, 2831.2, 2832, 2832.1,
18 2834, and 2835 of Title 10, California Code of Regulations, and
19 constitute grounds for disciplinary action against the real
20 estate broker license(s) and license rights of Respondent under
21 the provisions of Sections 10176(e) and 10177(d) of the Code.

22 ORDER

23 A. All real estate license(s) and license rights of Respondent
24 JOHN RICHARD KINSELLA are revoked.

25 B. A restricted real estate broker license shall be issued to
26 Respondent pursuant to Section 10156.6 of the Code if he
27 makes application therefor and pays to the Department the

1 appropriate fee for said license within ninety (90) days of
2 the effective date of the Order.

3 C. The restricted license issued to Respondent shall be subject
4 to all of the provisions of Section 10156.7 of the Business
5 and Professions Code and to the following conditions and
6 limitations imposed under authority of Section 10156.6 of
7 said Code:

8 1) Respondent shall, prior to the effective date of the
9 Decision herein, provide evidence satisfactory to the
10 Commissioner that Respondent has cured the trust fund
11 shortages alleged in the Accusation.

12 2) The restricted license issued to Respondent may be
13 suspended prior to hearing by order of the Real Estate
14 Commissioner in the event of Respondent's conviction or
15 plea of nolo contendere to a crime which bears a
16 substantial relationship to Respondent's fitness or
17 capacity as a real estate licensee.

18 3) The restricted license may be suspended prior to hearing
19 by Order of the Real estate Commissioner on evidence
20 satisfactory to the Commissioner that Respondent has
21 violated provisions of the California Real Estate Law,
22 the Subdivided Lands Law, Regulations of the Real Estate
23 Commissioner or conditions attaching to the restricted
24 license.

25 4) Respondent shall not be eligible to apply for the
26 issuance of an unrestricted real estate license, nor the
27 removal of any of the conditions of the restricted

1 license, until two (2) years have elapsed from the
2 effective date of this Order.

3 5) Pursuant to Section 10148 of the Business and Professions
4 Code, Respondent shall pay the Commissioner's reasonable
5 cost for the following audits as a result of the above
6 found violations:

7 (a) Audit #SD 990075 dated August 7, 2000:
8 Not more than \$14,974.00;

9 (b) Future follow-up audit: Not more than
\$8,000.00.

10 In calculating the amount of the Commissioner's
11 reasonable costs for each audit, the Commissioner may use
12 the estimated average hourly salary for all Department
13 Audit Section personnel performing audits of real estate
14 brokers, and shall include an allocation for travel time
15 to and from the auditor's place of work. Respondent
16 shall pay such costs within 60 days of receiving an
17 invoice from the Commissioner detailing the activities
18 performed during each audit and the amount of time spent
19 performing those activities. The Commissioner may
20 suspend the restricted license issued to Respondent
21 pending a hearing held in accordance with Section 11500,
22 et seq., of the Government Code, if payment is not timely
23 made as provided for therein, or as provided for in a
24 subsequent agreement between the Respondent and the
25 Commissioner. The suspension shall remain in effect
26 until payment is made in full for each audit or until
27 Respondent enters into an agreement satisfactory to the

1 Commissioner to provide for payment, or until a decision
2 providing otherwise is adopted following a hearing held
3 pursuant to this condition.

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

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

25
26 January 8, 2002
27 DATED


Deidre L. Johnson
DEIDRE L. JOHNSON
Counsel for the Complainant

1 * * *

2 I have read the Stipulation and Agreement, have
3 discussed it with my counsel, and its terms are understood by me
4 and are agreeable and acceptable to me. I understand that I am
5 waiving rights given to me by the California Administrative
6 Procedure Act, and I willingly, intelligently and voluntarily
7 waive those rights, including the right of requiring the
8 Commissioner to prove the allegations in the Accusation at a
9 hearing at which I would have the right to cross-examine
10 witnesses against me and to present evidence in defense and
11 mitigation of the charges.

12
13 1/4/02

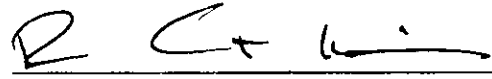
14 DATED


15 JOHN EDWARD KINSELLA
16 Respondent
17 *Richard*

18 APPROVED AS TO FORM:

19
20 1-4-02

21 DATED


22 ROBERT E. MUIR
23 Attorney for Respondent

24 * * *

25 The foregoing Stipulation and Agreement is hereby
26 adopted as my Decision and shall become effective at 12 o'clock
27 noon on March 25, 2002.

IT IS SO ORDERED

January 24, 2002.
PAULA REDDISH ZINNEMANN
Real Estate Commissioner



FILED
SEP 21 2001

**BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

DEPARTMENT OF REAL ESTATE

By Kathleen Conteras

In the Matter of the Accusation of

JOHN RICHARD KINSELLA,

} Case No. H-2608 SD

} OAH No. L-2001040162

Respondent

**SECOND CONTINUED
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 **JANUARY 8, 2002**, 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

Dated: SEPTEMBER 21, 2001

By

Deidre L. Johnson
DEIDRE L. JOHNSON, Counsel

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
JUN 27 2001

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

In the Matter of the Accusation of

JOHN RICHARD KINSELLA,

Case No. H-2608 SD

OAH No. L-2001040162

Respondent

FIRST CONTINUED
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, California 92101

on September 20, 2001, 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.

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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

Dated: June 27, 2001

By Deidre L. Johnson
DEIDRE L. JOHNSON Counsel

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
APR 27 2001

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

In the Matter of the Accusation of

JOHN RICHARD KINSELLA,

Case No. H-2608 SD

OAH No. L-2001040162

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, California 92101

on June 28, 2001, 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

Dated: April 26, 2001

By

Deidre L. Johnson
DEIDRE L. JOHNSON

Counsel

1 DEIDRE L. JOHNSON, Counsel
2 State Bar No. 66322
3 Department of Real Estate
4 P. O. Box 187000
5 Sacramento, CA 95818-7000
6
7 Telephone: (916) 227-0789

FILED
MAR - 1 2001

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 JOHN RICHARD KINSELLA,)
13 Respondent.)

NO. H-2608 SD

ACCUSATION

14
15 The Complainant, J. Chris Graves, a Deputy Real Estate
16 Commissioner of the State of California, for cause of Accusation
17 against JOHN RICHARD KINSELLA, is informed and alleges as
18 follows:

19 I

20 Respondent JOHN RICHARD KINSELLA (hereafter Respondent)
21 is presently licensed and/or has license rights under the Real
22 Estate Law, Part 1 of Division 4 of the California Business and
23 Professions Code (hereafter the Code).

24 II

25 The Complainant, J. Chris Graves, a Deputy Real Estate
26 Commissioner of the State of California, makes this Accusation
27 against Respondent in his official capacity and not otherwise.

1 III

2 At all times herein mentioned, Respondent JOHN RICHARD
3 KINSELLA (hereafter Respondent) was and is licensed by the
4 Department as a real estate broker, individually and doing
5 business as KINSELLA AND ASSOCIATES, and/or KINSELLA AND
6 KINSELLA.

7 IV

8 At least within the last three years, Respondent
9 engaged in activities on behalf of others for which a real estate
10 license is required, including but not limited to activities
11 under Section 10131(b) of the Code, for or in expectation of
12 compensation, and leased or rented, offered to lease or rent,
13 solicited prospective tenants, collected rents on, and/or managed
14 certain real properties in California.

15 V

16 Beginning in about April of 2000, the Department
17 conducted an audit of the above business activities of Respondent
18 for the time period of October 1, 1999, to March 31, 2000
19 (hereafter the audit period). During the course of the
20 activities described above, Respondent received and disbursed
21 funds in trust on behalf of others.

22 VI

23 Within the last three years, Respondent deposited the
24 trust funds into various bank accounts maintained at various
25 banks in Imperial Beach and San Diego, California, including but
26 not limited to those bank accounts named, numbered, and used as
27 follows:

- (1) Bank Account #1: At Bank of America, Imperial Beach, Account No. 09154-08335, in the name of "K And K Rentals Trust Account";
- (2) Bank Account #2: At Bank of America, Imperial Beach, Account No. 09150-14413, in the name of "Kinsella and Associates Calla Manor";
- (3) Bank Account #3: At Bank of America, Imperial Beach, Account No. 09156-08334, in the name of "K and A Trust Account";
- (4) Bank Account #4: At Bank of America, Imperial Beach,, Account No. 09155-02385, in the name of "Kinsella and Associates, John R. Kinsella";
- (5) Bank Account #5: At Bank of America, San Diego, Account No. 09158-12816, in the name of "Kinsella and Associates, 505 11th St. Property Trust 338";
- (6) Bank Account #6: At Bank of America, Imperial Beach, Account No. 09154-12818, in the name of "Kinsella and Associates, 1423-1433 Grove Ave. Property Trust #339";
- (7) Bank Account #7: At Bank of America, Imperial Beach, Account No. 09152-12819, in the name of "Kinsella and Associates, 1354 Iris Avenue property Trust #340";
- (8) Bank Account #8: At Bank of America, Imperial Beach, Account No. 09159-12820, in the name of "Kinsella and Associates, 368-365 H St. Property Trust #341";

1 (9) Bank Account #9: At Bank of America, Imperial
2 Beach,, Account No. 09155-02385, in the name of
3 "Kinsella and Associates, 576-580 7th St. Property
4 Trust 342".

5 VII

6 In connection with the collection and disbursement of
7 trust funds during the audit period as alleged above,
8 Respondent failed to deposit and maintain the trust funds in a
9 trust account or neutral escrow depository, or to deliver them
10 into the hands of the owners of the funds, as required by
11 Section 10145 of the Code, in such a manner that as of
12 February 29, 2000, there were minimum trust fund shortages as
13 to some of the above bank accounts in the approximate total sum
14 of \$269,032.05, as follows:

- 15 (1) Bank Account #1: A minimum shortage of
16 approximately \$86,336.80;
17 (2) Bank Account #2: A minimum shortage of
18 approximately \$6,706.81;
19 (3) Bank Account #3: A minimum shortage of
20 approximately \$174,219.87;
21 (4) Bank Account #4: A minimum shortage of
22 approximately \$418.23;
23 (5) Bank Account #6: A minimum shortage of
24 approximately \$408.88; and
25 (6) Bank Account #7: A minimum shortage of
26 approximately \$941.46.

27 ///

VIII

In connection with the collection and disbursement of trust funds, Respondent failed to deposit and maintain the trust funds in such a manner that as of February 29, 2000, there was commingling of his funds as to some or all of the above bank accounts, in that Respondent's personal funds for real properties owned by him were deposited into and disbursed from said accounts.

IX

In connection with the receipt and disbursement of trust funds as above alleged, Respondent:

(a) Failed to deposit the trust funds into one or more trust accounts, in the name of the real estate broker or his licensed fictitious business name as trustee, at a bank or other financial institution, in conformance with Section 2832 of Title 10, California Code of Regulations (hereafter the Regulations), as follows:

- (i) Bank Account #1: Not in the name of Respondent as trustee;
- (ii) Bank Account #2: Not a trust account;
- (iii) Bank Account #3: Not in the name of Respondent as trustee; and
- (iv) Bank Account #4: Not a trust account.

(b) As to some or all of the bank accounts, failed to maintain an individual written control record for each bank account of all trust funds received and

1 disbursed, containing all information required by
2 Section 2831 of the Regulations, including but not
3 limited to dates of receipt, dates of deposit, and
4 check numbers;

5 (c) As to some or all of the bank accounts, failed to
6 maintain separate beneficiary or transaction records
7 for each bank account containing all information
8 required by Section 2831.1, including but not
9 limited to dates of deposit and check numbers;

10 (d) As to some or all of the bank accounts, failed to
11 reconcile the balance of separate beneficiary or
12 transaction records for each bank account with the
13 control records of trust funds received and
14 disbursed at least once a month, and/or failed to
15 maintain a record of such reconciliation as
16 required by Section 2831.2 of the Regulations;

17 (e) Regarding Bank Accounts #1, #2, #3, #4, #6, and
18 #7, failed to obtain the prior written consents of
19 the principals for the reduction of the aggregate
20 balance of trust funds in each account to an
21 amount less than the existing aggregate trust fund
22 liability in each account to the owners of said
23 funds, in conformance with Section 2832.1 of the
24 Regulations.

25 X

26 Within the last three years, Respondent authorized or
27 permitted withdrawals to be made from some or all of the above

1 bank accounts upon the sole signature of BRAD THOMPSON, when he
2 was not licensed by the Department as a real estate broker or
3 real estate salesperson, and when he was not duly bonded as an
4 employee of Respondent with the requisite fidelity bond insurance
5 coverage to conduct such trust fund activities, pursuant to
6 Section 2834 of the Regulations.

7 XI

8 In connection with the audit, Respondent was requested
9 to produce specified documents and records executed or obtained
10 by his company in connection with transactions for which a real
11 estate license is required for the audit period, including but
12 not limited to property management agreements, cancelled checks,
13 and documentation of disbursements.

14 XII

15 Beginning in or about April of 2000, and continuing to
16 the present, Respondent has failed to retain and make available
17 for examination and inspection by a designated representative of
18 the Commissioner of the Department the records requested and
19 described above.

20 XIII

21 In the conduct of the business activities referred to
22 above, Respondent engaged in activities for which a real estate
23 license is required under the fictitious business name of "K AND
24 K RENTALS" without a corresponding fictitious business name
25 license from the Department.

26 ///

27 ///

XIV

The acts and/or omissions of Respondent as alleged above constitute grounds for disciplinary action under the following provisions:

- (a) As to Paragraph VII, under Section 10145 of the Code in conjunction with Section 10177(d) of the Code;
- (b) As to Paragraph VIII, under Section 10176(e) of the Code and Section 2835 of Title 10, California Code of Regulations (hereafter the Regulations), in conjunction with Section 10177(d) of the Code;
- (c) As to Paragraphs VI and IX(a), under Section 10145 of the Code and Section 2832 of the Regulations in conjunction with Section 10177(d) of the Code;
- (d) As to Paragraph IX(b), under Section 2831 of the Regulations in conjunction with Section 10177(d) of the Code;
- (e) As to Paragraph IX(c), under Section 2831.1 of the Regulations in conjunction with Section 10177(d) of the Code;
- (f) As to Paragraph IX(d), under Section 2831.2 of the Regulations in conjunction with Section 10177(d) of the Code;
- (g) As to Paragraph IX(e), under Section 2832.1 of the Regulations in conjunction with Section 10177(d) of the Code;

- 1 (h) As to Paragraph X, under Section 2834 of the
2 Regulations in conjunction with Section 10177(d)
3 of the Code;
4 (i) As to Paragraphs XI and XII, under Section 10148
5 of the Code; and
6 (j) As to Paragraph XIII, under Section 10159.5 of
7 the Code and Section 2731 of the Regulations in
8 conjunction with Section 10177(d) of the Code.

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

16
17
18
19 
20 J. CHRIS GRAVES
21 Deputy Real Estate Commissioner
22

23 Dated at San Diego, California,
24 this 26th day of January, 2001
25
26
27