

1 Department of Real Estate
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
4 Telephone: (916) 739-3607

FILED
NOV - 5 1991
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)
13 DAVID CHARLES SOWELS,)
14 MATTHEW JACK GOORABIAN,)
15 REAL ESTATE MART, INC.,)
16 Respondents.)

NO. H-2664 SAC

STIPULATION IN
SETTLEMENT AND ORDER

17 It is hereby stipulated by and between DAVID CHARLES
18 SOWELS (sometimes referred to as Respondent) and the Complainant,
19 acting by and through Susan Yamamoto Bennett, Counsel for the
20 Department of Real Estate, as follows, for the purpose of settling
21 and disposing of the Accusation filed on March 11, 1991, in this
22 matter:

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

1 submitted solely on the basis of the provisions of this
2 Stipulation.

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

7 3. On April 3, 1991, Respondent filed a Notice of
8 Defense pursuant to Section 11505 of the Government Code for the
9 purpose of requesting a hearing on the allegations in the
10 Accusation. Respondent hereby freely and voluntarily withdraws
11 said Notice of Defense. Respondent acknowledges that he
12 understands that by withdrawing said Notice of Defense he will
13 thereby waive his right to require the Commissioner to prove the
14 allegations in the Accusation at a contested hearing held in
15 accordance with the provisions of the APA and that he will waive
16 other rights afforded to him in connection with the hearing such
17 as the right to present evidence in defense of the allegations in
18 the Accusation and the right to cross-examine witnesses.

19 4. Respondent, pursuant to the limitations set forth
20 below, hereby admits that the factual allegations in Paragraphs
21 II, III, VI VII, VIII, IX, X, XI, and XII, of the Accusation filed
22 in this proceeding are true and correct and the Real Estate
23 Commissioner shall not be required to provide further evidence to
24 prove such 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 sanctions

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III

Respondent SOWELS was the owner or agent of the owner of certain subdivided real property as defined in Sections 11000 and 11004.5 of the Code, or had the right to acquire lots, units, or parcels in said subdivided real property.

IV

Said subdivided lands are known as or commonly called Alderwood Subdivision and are located in or near Sacramento, County of Sacramento, State of California.

V

On or about January 8, 1986, the Department of Real Estate issued a Subdivision Public Report on said subdivision in File Number 022843SA-FOO to M. Raja Sekaran, M.D., and Surabhi Sekaran (hereinafter "Sekarans").

VI

Beginning on or about August 10, 1990, respondent SOWELS, individually and through his agent respondents GOORABIAN and REAL ESTATE MART, INC., solicited prospective purchasers, offered for sale or lease, or sold lots, units, or parcels in said subdivision, including but not limited to the following individuals:

- 1. Helen and Jerry Martin;
- 2. Charles Dooyes;
- 3. Diane Courgier-Stanfield;
- 4. Charles S. and Lynnette A. Di Bari;
- 5. Dr. Alan Beck; and
- 6. Beverly Chan.

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VII

Respondent SOWELS gave or caused to be given to each of said prospective purchasers, a copy of the Subdivision Public Report described in Paragraph V. Said public report showed the Sekarans as the owners and subdividers of the subdivision. Respondent SOWELS failed to inform the Department of Real Estate in writing that respondent SOWELS was the owner of lots, units, or parcels in said subdivision or had obtained the right to acquire said lots, units, or parcels.

VIII

Respondent SOWELS has sold or offered for sale lots, units, or parcels in said subdivision without having filed with the Department a Notice of Intention and completed Questionnaire as required by Section 11010 of the Code without having first obtained a public report as required by Section 11018.2 of the Code.

IX

In the alternative, respondent SOWELS failed to notify the Department in writing of a material change in the setup of the offering of said lots, units, or parcels pursuant to Section 11012 of the Code.

The conduct of Respondent SOWELS, as described in Paragraphs III through IX is grounds for the suspension or revocation of all of the real estate licenses and license rights of Respondent under the provisions of Sections 11012 and 11018.2 in conjunction with 10177(d) of the Business and Professions Code.

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ORDER

All licenses and licensing rights of respondent SOWELS
under the Real Estate Law are revoked; provided, however, a
restricted real estate broker license shall be issued to
Respondent pursuant to Section 10156.6 of the Business and
Professions Code, if Respondent makes application therefor and
pays to the Department of Real Estate the appropriate fee for the
restricted license within 90 days from the effective date of this
Decision. The restricted license issued to Respondent shall be
subject to all of the provisions of Section 10156.7 of the
Business and Professions Code and to the following limitations,
conditions, and restrictions imposed under authority of Section
10156.6 of the Code:

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

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

3. Respondent shall not be eligible to apply for the
issuance of an unrestricted real estate license nor for the
removal of any of the conditions, limitations, or restrictions of

1 a restricted license until one year has elapsed from the effective
2 date of this Decision.

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

15
16 October 1, 1991

DATED

Susan Yamamoto Bennett

SUSAN YAMAMOTO BENNETT,
Counsel for Complainant


17
18 * * *

19
20
21 I have read the Stipulation and Agreement, and its terms
22 are understood by me and are agreeable and acceptable to me. I
23 understand that I am waiving rights given to me by the California
24 Administrative Procedure Act (including but not limited to
25 Sections 11506, 11508, 11509, and 11513 of the Government Code),
26 and I willingly, intelligently, and voluntarily waive those
27 rights, including the right of requiring the Commissioner to prove
the allegations in the Accusation at a hearing at which I would

1 have the right to cross-examine witnesses against me and to
2 present evidence in defense and mitigation of the charges.

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DATED: 9/26/91

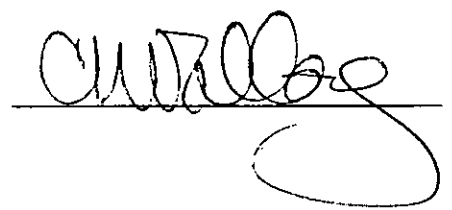

DAVID CHARLES SOWELS
Respondent

* * *

The foregoing Stipulation and Agreement in Settlement is
hereby adopted as my Decision and Order and shall become effective
at 12 o'clock noon on November 25, 1991.

IT IS SO ORDERED October 29, 1991.

CLARK WALLACE
Real Estate Commissioner



1 Department of Real Estate
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
4 Telephone: (916) 739-3607

FILED
NOV - 5 1991
DEPARTMENT OF REAL ESTATE

By Kathleen Centenas

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12)
13 DAVID CHARLES SOWELS,) NO. H-2664 SAC
14 MATTHEW JACK GOORABIAN,) STIPULATION IN
15 REAL ESTATE MART, INC.,) SETTLEMENT AND ORDER
16 _____)
17 Respondents.)

16 It is hereby stipulated by and between MATTHEW JACK
17 GOORABIAN and REAL ESTATE MART, INC., through its broker-officer
18 MATTHEW JACK GOORABIAN (sometimes referred to as Respondents) and
19 their attorney of record, Timothy Clemons, and the Complainant,
20 acting by and through Susan Yamamoto Bennett, Counsel for the
21 Department of Real Estate, as follows, for the purpose of settling
22 and disposing of the Accusation filed on March 11, 1991, in this
23 matter:

24 1. All issues which were to be contested and all
25 evidence which was to be presented by Complainant and Respondents
26 at a formal hearing on the Accusation, which hearing was to be
27 held in accordance with the provisions of the Administrative

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

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

8 3. On March 25, 1991, Respondents filed a Notice of
9 Defense pursuant to Section 11505 of the Government Code for the
10 purpose of requesting a hearing on the allegations in the
11 Accusation. Respondents hereby freely and voluntarily withdraw
12 said Notices of Defense. Respondents acknowledge that they
13 understand that by withdrawing said Notices of Defense they will
14 thereby waive their right to require the Commissioner to prove the
15 allegations in the Accusation at a contested hearing held in
16 accordance with the provisions of the APA and that they will waive
17 other rights afforded to them in connection with the hearing such
18 as the right to present evidence in defense of the allegations in
19 the Accusation and the right to cross-examine witnesses.

20 4. Respondents, pursuant to the limitations set forth
21 below, hereby admit that the factual allegations in Paragraphs II,
22 IV, V, VI VII, VIII, IX, X, and XI, of the Accusation filed in
23 this proceeding are true and correct and the Real Estate
24 Commissioner shall not be required to provide further evidence to
25 prove such allegations.

26 5. It is understood by the parties that the Real Estate
27 Commissioner may adopt the Stipulation and Agreement as his

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

9 6. The Order or any subsequent Order of the Real
10 Estate Commissioner made pursuant to this Stipulation and
11 Agreement in Settlement shall constitute an estoppel, merger or
12 bar to any further administrative or civil proceedings by the
13 Department of Real Estate with respect to any matters which were
14 specifically alleged to be causes for accusation as ^{gub} amended in
15 this proceeding. ~~TRC~~

16 DETERMINATION OF ISSUES

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

21 I

22 At all times herein mentioned, respondents GOORABIAN,
23 and REAL ESTATE MART, INC., are presently licensed and/or have
24 license rights under the Real Estate Law (Part 1 of Division 4 of
25 the Business and Professions Code) (Code).

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II

At all times herein mentioned, respondent GOORABIAN was licensed as a real estate broker and as the broker-officer of respondent REAL ESTATE MART, INC. (REM).

III

At all times herein mentioned, respondent REM was licensed as a real estate corporation acting by and through respondent GOORABIAN as its designated broker-officer, and was doing business as Condo Marketing.

IV

Respondent SOWELS was the owner or agent of the owner of certain subdivided real property as defined in Sections 11000 and 11004.5 of the Code, or had the right to acquire lots, units, or parcels in said subdivided real property.

V

Said subdivided lands are known as or commonly called Alderwood Subdivision and are located in or near Sacramento, County of Sacramento, State of California.

VI

On or about January 8, 1986, the Department of Real Estate issued a Subdivision Public Report on said subdivision in File Number 022843SA-FOO to M. Raja Sekaran, M.D., and Surabhi Sekaran (hereinafter "Sekarans").

VII

Beginning on or about August 10, 1990, respondent SOWELS, individually and through his agent respondents GOORABIAN and REAL ESTATE MART, INC., solicited prospective purchasers,

1 offered for sale or lease, or sold lots, units or parcel in
2 said subdivision, including but not limited to the following
3 individuals:

- 4 1. Helen and Jerry Martin;
- 5 2. Charles Dooyes;
- 6 3. Diane Courgier-Stanfield;
- 7 4. Charles S. and Lynnette A. Di Bari;
- 8 5. Dr. Alan Beck; and
- 9 6. Beverly Chan.

8 VIII

9 Respondents GOORABIAN and REM gave or caused to be
10 given to each of said prospective purchasers, a copy of the
11 Subdivision Public Report described in Paragraph VI. Said
12 public report showed the Sekarans as the owners and subdividers
13 of the subdivision. Respondents GOORABIAN and REM failed to
14 inform the Department of Real Estate in writing that respondent
15 SOWELS was the owner of lots, units, or parcels in said
16 subdivision or had obtained the right to acquire said lots,
17 units, or parcels.

18 IX

19 Respondents GOORABIAN and REM have sold or offered
20 for sale lots, units, or parcels, in said subdivision without
21 having filed with the Department a Notice of Intention and
22 completion Questionnaire as required by Section 11010 of the
23 Code without having first obtained a public report as required
24 by Section 11018.2 of the Code.

25 The conduct of Respondents GOORABIAN and REM, as
26 described in Paragraphs IV, V, VI, VII, VIII and IX is grounds
27 for the suspension of all of the real estate licenses and
28 license rights of Respondents under the provisions of Section

1 11018.2 in conjunction with 10177(d) of the Business and
2 Professions Code.

3 ORDER

4 All licenses and licensing rights of respondents MATTHEW
5 JACK GOORABIAN and REAL ESTATE MART, INC., under the Real Estate
6 Law are suspended for a period of thirty (30) days from the
7 effective date of this Decision.

8 September 5, 1991
9 DATED

Susan Yamamoto Bennett
SUSAN YAMAMOTO BENNETT,
Counsel for Complainant

10 * * *

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

21 9/20/91
22 DATED

Matthew Jack Goorabian
MATTHEW JACK GOORABIAN, Respondent

23 9/20/91
24 DATED

Matthew Jack Goorabian
REAL ESTATE MART, INC., by its Broker-
Officer MATTHEW JACK GOORABIAN

25 Sept 20, 1991
26 DATED

Timothy Clemons
TIMOTHY CLEMONS, Counsel for Respondents

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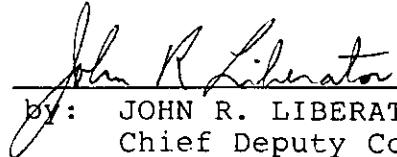
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The foregoing Stipulation and Agreement in Settlement is
hereby adopted as my Decision and Order and shall become effective
at 12 o'clock noon on November 25, 1991.

IT IS SO ORDERED November 4, 1991.

CLARK WALLACE
Real Estate Commissioner


by: JOHN R. LIBERATOR
Chief Deputy Commissioner

1 SUSAN YAMAMOTO BENNETT, Counsel
2 Department of Real Estate
3 P. O. Box 187000
4 Sacramento, CA 95818-7000

5 Telephone: (916) 739-3607

FILED
OCT 10 1991
DEPARTMENT OF REAL ESTATE

By Kathleen Contreas

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 DAVID CHARLES SOWELS,)
13 MATTHEW JACK GOORABIAN,)
14 REAL ESTATE MART, INC.,)
15 Respondents.)

NO. H-2664 SAC

AMENDED ACCUSATION

16 The Complainant, Charles W. Koenig, a Deputy Real Estate
17 Commissioner of the State of California for cause of Amended
18 Accusation against DAVID CHARLES SOWELS (hereinafter "respondent
19 SOWELS"), MATTHEW JACK GOORABIAN (hereinafter "respondent
20 GOORABIAN"), and REAL ESTATE MART, INC. (hereinafter "respondent
21 REM"), is informed and alleges as follows:

22 I

23 The Complainant, Charles W. Koenig, a Deputy Real Estate
24 Commissioner of the State of California, makes this Amended
25 Accusation in his official capacity.

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II

At all times herein mentioned, respondents SOWELS, GOORABIAN, and REM are presently licensed and/or have license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) (Code).

III

At all times herein mentioned, respondent SOWELS was licensed as a real estate broker.

IV

At all times herein mentioned, respondent GOORABIAN was licensed as a real estate broker and as the broker-officer of respondent REM.

V

At all times herein mentioned, respondent REM was licensed as a real estate corporation acting by and through respondent GOORABIAN as its designated broker-officer, and was doing business as Condo Marketing.

VI

Respondent SOWELS was the owner or agent of the owner of certain subdivided real property as defined in Sections 11000 and 11004.5 of the Code, or had the right to acquire lots, units, or parcels in said subdivided real property.

VII

Said subdivided lands are known as or commonly called Alderwood Subdivision and are located in or near Sacramento, County of Sacramento, State of California.

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VIII

On or about January 8, 1986, the Department of Real Estate issued a Subdivision Public Report on said subdivision in File Number 022843SA-F00 to M. Raja Sekaran, M.D., and Surabhi Sekaran (hereinafter "Sekarans").

IX

Beginning on or about August 10, 1990, respondent SOWELS⁷ individually and through his agent respondents GOORABIAN and REM, solicited prospective purchasers, offered for sale or lease, or sold lots, units, or parcels in said subdivision, including but not limited to the following individuals:

1. Helen and Jerry Martin;
2. Charles Dooyes;
3. Diane Courgier-Stanfield;
4. Charles S. and Lynnette A. Di Bari;
5. Dr. Alan Beck; and
6. Beverly Chan.

X

Respondents SOWELS, GOORABIAN, and REM gave or caused to be given to each of said prospective purchasers, a copy of the Subdivision Public Report described in Paragraph VI. Said public report showed the Sekarans as the owners and subdividers of the subdivision. Respondents SOWELS, GOORABIAN, and REM failed to inform the Department of Real Estate in writing that respondent SOWELS was the owner of lots, units, or parcels in said subdivision or had obtained the right to acquire said lots, units, or parcels.

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XI

Respondents SOWELS, GOORABIAN, and REM have sold or offered for sale lots, units, or parcels in said subdivision without having filed with the Department a Notice of Intention and completed Questionnaire as required by Section 11010 of the Code without having first obtained a public report as required by Section 11018.2 of the Code.

XII

The facts alleged above are grounds for the suspension or revocation of respondents SOWELS, GOORABIAN, and REM's licenses under Section 11018.2 in conjunction with Section 10177(d) of the Code.

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


CHARLES W. KOENIG
Deputy Real Estate Commissioner

Dated at Sacramento, California,
this 9th day of October, 1991.

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
APR 25 1991
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

DAVID CHARLES SOWELS,
MATTHEW JACK GOORABIAN,
REAL ESTATE MART, INC.,

By Kathleen Contreras

Case No. H-2664 SAC

OAH No. N-38343

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, 501 J St., Suite 220 (2nd Floor), Sacramento, CA 95814

on the 26th & 27th day of August, 19 91, at the hour of 9:00 AM, or as soon thereafter as the matter can be heard, upon the Accusation served upon you.

You may be present at the hearing, and you may be represented by counsel, but you are neither required to be present at the hearing nor to be represented by 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. The interpreter must be approved by the Administrative Law Judge conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the Administrative Law Judge directs otherwise.

DEPARTMENT OF REAL ESTATE

Dated: April 22, 1991

By Susan A. Yamamoto
SUSAN A. YAMAMOTO Counsel

TO: FLAG SECTION
FROM: SAC Legal

1 SUSAN A. YAMAMOTO, Counsel
2 Department of Real Estate
3 P. O. Box 187000
4 Sacramento, CA 95818-7000

5 (916) 739-3607

FILED
MAR 11 1991
DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

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7
8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12)
13 DAVID CHARLES SOWELS,)
14 MATTHEW JACK GOORABIAN,)
15 REAL ESTATE MART, INC.,)
Respondents.)

NO. H-2664 SAC
ACCUSATION

16 The Complainant, Les R. Bettencourt, a Deputy Real
17 Estate Commissioner of the State of California, for cause of
18 Accusation against DAVID CHARLES SOWELS (hereinafter "respondent
19 SOWELS"), MATTHEW JACK GOORABIAN (hereinafter "respondent
20 GOORABIAN"), and REAL ESTATE MART, INC., (hereinafter "respondent
21 REM"), is informed and alleges as follows:

22 I

23 The Complainant, Les R. Bettencourt, a Deputy Real
24 Estate Commissioner of the State of California, makes this
25 Accusation in his official capacity.

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II

At all times herein mentioned, respondents SOWELS, GOORABIAN, AND REM are presently licensed and/or have license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) (Code).

III

At all times herein mentioned, respondent SOWELS was licensed as a real estate broker.

IV

At all times herein mentioned, respondent GOORABIAN was licensed as a real estate broker and as the broker-officer of respondent REM.

V

At all times herein mentioned, respondent REM was licensed as a real estate corporation acting by and through respondent GOORABIAN as its designated broker-officer, and was doing business as Condo Marketing.

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Respondent SOWELS was the owner or agent of the owner of certain subdivided real property as defined in Sections 11000 and 11004.5 of the Code, or had the right to acquire lots, units, or parcels in said subdivided real property.

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IX

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1. Helen and Jerry Martin;
2. Charles Dooyes;
3. Diane Courgier-Stanfield;
4. Charles S. and Lynnette A. Di Bari;
5. Dr. Alan Beck; and
6. Beverly Chan.

X

Respondents SOWELS, GOORABIAN, and REM gave or caused to be given to each of said prospective purchasers, a copy of the Subdivision Public Report described in Paragraph VI. Said public report showed the Sekarans as the owners and subdividers of the subdivision. Respondents SOWELS, GOORABIAN, and REM failed to inform the Department of Real Estate in writing that respondent SOWELS was the owner of lots, units, or parcels in said subdivision or had obtained the right to acquire said lots, units, or parcels.

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XI

Respondents SOWELS, GOORABIAN, and REM have sold or offered for sale lots, units, or parcels in said subdivision without having filed with the Department a Notice of Intention and completed Questionnaire as required by Section 11010 of the Code without having first obtained a public report as required by Section 11018.2 of the Code.


XII

In the alternative, respondents SOWELS, GOORABIAN, and REM failed to notify the Department in writing of a material change in the setup of the offering of said lots, units, or parcels pursuant to Section 11012 of the Code.

XIII

The facts alleged above are grounds for the suspension or revocation or respondents SOWELS, GOORABIAN, and REM's licenses under Sections 11012 and 11018.2 in conjunction with Section 10177(d) of the Code.

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


LES R. BETTENCOURT
Deputy Real Estate Commissioner

Dated at Sacramento, California
this 28th day of February, 1991.