

FILED
OCT 06 2006

DEPARTMENT OF REAL ESTATE

By Anne Shamm

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
ANITA MARIE ALKIRE,)
Respondent.)
No. H-2863 SD

ORDER TERMINATING SUSPENSION OF RESTRICTED REAL ESTATE LICENSES

The Order Suspending Restricted Real Estate Licenses
filed on August 3, 2006 is terminated.

This order shall be effective immediately.

DATED: 10-5-06

JEFF DAVI
Real Estate Commissioner

[Signature]

FILED
AUG 03 2008

DEPARTMENT OF REAL ESTATE

By Lenne Shaver

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
ANITA MARIE ALKIRE,) No. H-2863 SD
Respondent.)

ORDER SUSPENDING RESTRICTED REAL ESTATE LICENSES

TO: Respondent ANITA MARIE ALKIRE (herein
"Respondent"):

At all times mentioned herein since September 12, 2004,
Respondent has been and now are licensed and/or have license
rights under the Real Estate Law, Part 1 of Division 4 of the
Business and Professions Code (hereinafter "Code") as real estate
salesperson whose license was and now are restricted subject to
the provisions of Section 10156.7 of the Code and to enumerated
additional terms, conditions and restrictions imposed under
authority of Section 10156.6 of the Code.

On July 14, 2006, in Case No. H-3565 SD, an Accusation
(hereinafter "Accusation") by a Deputy Real Estate Commissioner

1 of the State of California was filed alleging cause as to each
2 Respondent under Section 10177(k) of the California Business and
3 Professions Code (herein "the Code") for the suspension or
4 revocation of all licenses and license rights of Respondents
5 under the Real Estate Law.

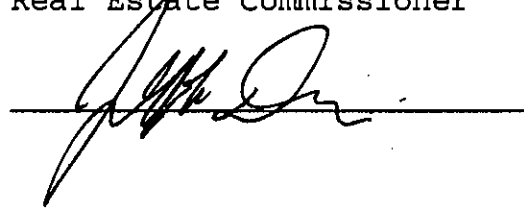
6 NOW, THEREFORE, IT IS ORDERED under authority of
7 Section 10156.7 of the Business and Professions Code of the State
8 of California that any restricted real estate salesperson license
9 heretofore issued to Respondent, and the exercise of any
10 privileges thereunder, is hereby suspended pending final
11 determination made after the hearing on the aforesaid Accusation.

12 IT IS FURTHER ORDERED that all license certificates and
13 identification cards issued by the Department of Real Estate
14 which are in the possession of Respondents be immediately
15 surrendered by personal delivery or by mailing in the enclosed
16 self-addressed envelope to:

17 DEPARTMENT OF REAL ESTATE
18 ATTN: Flag Section
19 Post Office Box 187000
20 Sacramento, CA 95818-7000

21 This order shall be effective immediately.

22 DATED: 8-3-06

23 JEFF DAVI
24 Real Estate Commissioner
25 
26
27

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

FILED
AUG 24 2004

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 ANITA MARIE ALKIRE,)
13)
14 Respondent.)

NO. H-2863 SD

STIPULATION AND AGREEMENT

16 It is hereby stipulated by and between ANITA MARIE
17 ALKIRE (hereafter Respondent), represented by Frank M. Buda,
18 Attorney at Law, and the Complainant, acting by and through
19 Deidre L. Johnson, Counsel for the Department of Real Estate,
20 as follows for the purpose of settling and disposing the
21 Accusation filed on June 6, 2003 in this matter:

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

27 ///

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

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

6 3. On June 23, 2003, Respondent filed her Notice of
7 Defense pursuant to Section 11505 of the Government Code for the
8 purpose of requesting a hearing on the allegations in the
9 Accusation. Respondent hereby freely and voluntarily withdraws
10 said Notice of Defense. Respondent acknowledges that she
11 understands that by withdrawing said Notice of Defense she will
12 thereby waive her rights to require the Commissioner to prove the
13 allegations in the Accusation at a contested hearing held in
14 accordance with the provisions of the APA, and that she will
15 waive other rights afforded to her in connection with the hearing
16 such as the right to present evidence in defense of the
17 allegations in the Accusation and the right to cross-examine
18 witnesses.

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

24 5. Without admitting the truth of the factual
25 allegations contained in the rest of the Accusation, Respondent
26 stipulates that she will not interpose a defense thereto. This
27 Stipulation is based on the factual allegations contained in the

1 Accusation as found below. In the interests of expedience and
2 economy, Respondent chooses not to contest the remaining
3 allegations, but to remain silent, and understands that, as a
4 result thereof, these factual allegations, without being admitted
5 or denied, will serve as a basis for the disciplinary action
6 stipulated to herein. The Real Estate Commissioner shall not be
7 required to provide further evidence to prove said factual
8 allegations.

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

16 (a) Audit #SD-010033 dated June 26, 2002: Not
17 more than \$900.00;

18 (b) A future follow-up audit: Not more than
19 \$5,000.00.

20 7. It is understood by the parties that the Real
21 Estate Commissioner may adopt the Stipulation and Agreement as
22 his decision in this matter thereby imposing the penalty and
23 sanctions on the real estate licenses and license rights of
24 Respondent as set forth in the below "Order". In the event that
25 the Commissioner in his discretion does not adopt the Stipulation
26 and Agreement, it shall be void and of no effect, and Respondent
27 shall retain the right to a hearing and proceeding on the

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///

1 Accusation under all the provisions of the APA and shall not be
2 bound by any admission or waiver made herein.

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

10 * * *

11 DETERMINATION OF ISSUES

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

16 The acts and/or omissions of Respondent ANITA MARIE
17 ALKIRE as stipulated above violate Section 10148 of the
18 California Business and Professions Code (hereafter the Code),
19 and constitute grounds for disciplinary action under the
20 provisions of Section 10177(d) of the Code.

21 * * *

22 ORDER

23 I

24 A. All real estate license(s) and license rights of Respondent
25 ANITA MARIE ALKIRE are revoked.

26 B. A restricted real estate salesperson license shall be issued
27 to Respondent pursuant to Section 10156.6 of the Code if she

1 makes application therefor and pays to the Department the
2 appropriate fee for the license within ninety (90) days of
3 the effective date of the Order.

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

- 9 1) The restricted license issued to Respondent may be
10 suspended prior to hearing by order of the Real Estate
11 Commissioner in the event of Respondent's conviction or
12 plea of nolo contendere to a crime which bears a
13 substantial relationship to Respondent's fitness or
14 capacity as a real estate licensee.
- 15 2) The restricted license may be suspended prior to hearing
16 by Order of the Real estate Commissioner on evidence
17 satisfactory to the Commissioner that Respondent has
18 violated provisions of the California Real Estate Law,
19 the Subdivided Lands Law, Regulations of the Real Estate
20 Commissioner or conditions attaching to the restricted
21 license.
- 22 3) Respondent shall not be eligible to apply for the
23 issuance of an unrestricted real estate license, nor the
24 removal of any of the conditions of the restricted
25 license, until two (2) years have elapsed from the
26 effective date of this Order.

27 ///

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

15 5) Pursuant to Section 10148 of the Business and Professions
16 Code, Respondent shall pay the Commissioner's reasonable
17 cost for the following audits as a result of the above
18 found violations and the violations found in the prior
19 action in Case No. H-2587 SD:

20 (a) Audit #SD-010033 dated June 26, 2002: Not
21 more than \$900.00;

22 (b) Future follow-up audit: Not more than
23 \$5,000.00.

24 In calculating the amount of the Commissioner's
25 reasonable costs for each audit, the Commissioner may use
26 the estimated average hourly salary for all Department
27 Audit Section personnel performing audits of real estate
brokers, and shall include an allocation for travel time

1 to and from the auditor's place of work. Respondent
2 shall pay such costs within sixty (60) days of receiving
3 an invoice from the Commissioner detailing the activities
4 performed during each audit and the amount of time spent
5 performing those activities. The Commissioner may
6 suspend the restricted license issued to Respondent
7 pending a hearing held in accordance with Section 11500,
8 et seq., of the Government Code, if payment is not timely
9 made as provided for herein, or as provided for in a
10 subsequent agreement between Respondent and the
11 Commissioner. The suspension shall remain in effect
12 until payment is made in full for each audit or until
13 Respondent enters into an agreement satisfactory to the
14 Commissioner to provide for payment, or until a decision
15 providing otherwise is adopted following a hearing held
16 pursuant to this condition.

17 6) Respondent shall submit with any application for license
18 under an employing broker, or any application for
19 transfer to an new employing broker, a statement signed
20 by the prospective employing real estate broker on a form
21 approved by the Department of Real Estate which shall
22 certify:

23 (a) That the employing broker has read the Decision
24 of the Commissioner which granted the right to a
25 restricted license; and,

26 (b) That the employing broker will exercise close
27 supervision over the performance by the

1 restricted licensee relating to activities for
2 which a real estate license is required.

3 7) Respondent shall not be an signatory with authorization
4 or permission for deposit or disbursement of funds in any
5 bank account opened, operated or maintained for the
6 deposit of trust funds pursuant to Section 10145 of the
7 Code pertaining to transactions for which a real estate
8 license is required.

9 8) With respect to Respondent's monies, in the principal sum
10 of \$18,543.96, being held in a neutral trust account with
11 the agreement of both parties pending resolution of the
12 trust fund shortages claimed by the Department in the
13 prior disciplinary case before the Department of Real
14 Estate, in Case No. H-2587 SD and Audit No. SD 990062
15 dated June 8, 2000:

16 (a) Respondent shall submit proof satisfactory to
17 the Commissioner, within sixty (60) days of the
18 effective date of this Decision, of repayment,
19 refund, or restitution in the minimum total sum
20 of \$3,485.48 to the following former clients of
21 Respondent, as set forth in the report dated
22 May 20, 2004, from Respondent's consultant Real
23 Estate Compliance Solutions, Keith Loughran, to
24 Respondent's attorney Frank Buda:

25 (i) Martin Speake - \$1,525; (ii) Martin Speake -
26 \$24.01; (iii) Osker Dugger - \$1,399.00; (iv)
27

1 Mike Beckner - \$145.50; and (v) Salvador
2 Espinosa - \$391.97.

3 (b) Respondent shall keep and maintain any and all
4 remaining monies referred to in Paragraph 8
5 above, following the disbursements authorized in
6 Paragraph 8(a) above, in a neutral trust account
7 or neutral escrow depository pending the outcome
8 of the follow-up chargeable audit to be
9 conducted by the Department as set forth in
10 Paragraph 5 above.

11 (c) Respondent shall, in connection with the follow-
12 up chargeable audit to be conducted by the
13 Department as set forth in Paragraph 5 above,
14 and upon reasonable notice from the Department,
15 produce any and all trust fund source documents,
16 trust fund records, and trust fund
17 reconstruction records in the possession,
18 custody, or control of Respondent or her
19 consultants or attorneys, in connection with the
20 trust fund shortage allegations in Case No. H-
21 2587 SD and Audit No. SD 990062 dated June 8,
22 2000.

23 (d) The purpose of the chargeable audit to be
24 conducted by the Department as set forth in
25 Paragraph 5 above is to determine Respondent's
26 remaining accountability for trust funds and
27 liability for trust fund shortages, if any, in

1 connection with Case No. H-2587 SD and Audit No.
2 SD 990062 dated June 8, 2000. Respondent's
3 remaining monies being held in a neutral trust
4 account or neutral escrow depository, pursuant
5 to Paragraph 8(b) above, shall be disbursed
6 pursuant to the results of the Department's
7 audit. Respondent shall submit proof to the
8 satisfaction of the Commissioner of such
9 disbursement within sixty (60) days of receipt
10 of the Department's audit report.

11 (e) The Commissioner may suspend the restricted
12 license issued to Respondent pending a hearing
13 held in accordance with Section 11500, et seq.,
14 of the Government Code, if proof of disbursement
15 under subsection 8(d) above is not timely
16 submitted as provided for herein, or as provided
17 for in a subsequent negotiated agreement between
18 Respondent and the Commissioner as to the
19 Department's audit results, amounts of
20 disbursements, and/or payees. The suspension
21 shall remain in effect until satisfactory proof
22 of disbursement is submitted, or until
23 Respondent enters into an agreement satisfactory
24 to the Commissioner, or until a decision

25 ///

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27 ///

1 providing otherwise is adopted following a
2 hearing held pursuant to this condition.
3

4
5 July 1, 2004
6 DATED

Deidre L. Johnson
DEIDRE L. JOHNSON
Counsel for Complainant

7 * * *

8 I have read the Stipulation and Agreement, have
9 discussed it with my counsel, and its terms are understood by me
10 and are agreeable and acceptable to me. I understand that I am
11 waiving rights given to me by the California Administrative
12 Procedure Act, and I willingly, intelligently and voluntarily
13 waive those rights, including the right of requiring the
14 Commissioner to prove the allegations in the Accusation at a
15 hearing at which I would have the right to cross-examine
16 witnesses against me and to present evidence in defense and
17 mitigation of the charges.
18

19
20 6/19/2004
21 DATED

Anita Marie Alkire
ANITA MARIE ALKIRE
Respondent

22 APPROVED AS TO FORM:

23
24 6-25-04
25 DATED

Frank M. Buda
FRANK M. BUDA
Attorney for Respondent

26 ///

27 ///

* * *

The foregoing Stipulation and Agreement is hereby
adopted as my Decision and shall become effective at 12 o'clock
noon on September 13, 2004.

IT IS SO ORDERED July 16, 2004.

JOHN R. LIBERATOR
Acting Real Estate Commissioner



FILED
APR - 9 2004

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

DEPARTMENT OF REAL ESTATE

By *[Signature]*

In the Matter of the Accusation of

ANITA MARIE ALKIRE,

Case No. H-2863 SD

OAH No. L-2003060772

Respondent

**THIRD 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 **JUNE 7, 2004, and JUNE 8, 2004**, 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 7, 2004

By

[Signature]
DEIDRE L. JOHNSON, Counsel

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

FILED
DEC 10 2003

DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

ANITA MARIE ALKIRE,

Case No. H-2863 SD

OAH No. L-2003060772

Respondent

**SECOND AMENDED
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, SUITE 6022, SAN DIEGO, CA 92101** on **MARCH 15 & 16, 2004**, at the hour of **9:00 A.M.**, 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: DECEMBER 10, 2003

By

Deidre L. Johnson
DEIDRE L. JOHNSON, Counsel (L2)

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

FILED
SEP 16 2003

DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

ANITA MAIRE ALKIRE,

Case No. H-2863 SD

OAH No. L-2003060772

Respondent

**FIRST AMENDED
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, SUITE 6022, SAN DIEGO, CA 92101** on **DECEMBER 8 & 9, 2003**, at the hour of **9:00 A.M.**, 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.

Dated: SEPTEMBER 16, 2003

DEPARTMENT OF REAL ESTATE

By David A. Peters
DAVID A. PETERS, Counsel

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

FILED

JUL - 8 2003

DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

ANITA MARIE ALKIRE,

Case No. H-2863 SD

OAH No. L-2003060772

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, SUITE 6022, SAN DIEGO, CA 92101** on **FRIDAY, SEPTEMBER 19, 2003**, at the hour of **9:00 A.M.**, 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: JULY 8, 2003

By

David A. Peters
DAVID A. PETERS, Counsel

1 DAVID A. PETERS, Counsel (SBN 99528)
2 Department of Real Estate
3 P. O. Box 187000
4 Sacramento, CA 95818-7000

5 Telephone: (916) 227-0789
6 -or- (916) 227-0781 (Direct)

FILED

JUN - 6 2003

DEPARTMENT OF REAL ESTATE

By Laurie E. Jiri

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

No. H-2863 SD

12 ANITA MARIE ALKIRE,)

ACCUSATION

13 Respondent.)
14 _____)

15 The Complainant, J. Chris Graves, a Deputy Real Estate
16 Commissioner of the State of California, for cause of accusation
17 against ANITA MARIE ALKIRE (hereinafter "Respondent"), is
18 informed and alleges as follows:

19 I

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

23 II

24 Respondent is licensed and/or has license rights under
25 the Real Estate Law (Part 1 of Division 4 of the Business and
26 Professions Code) (hereinafter "the Code"), as a restricted real
27 estate broker.

1 III

2 Within the three-year period immediately preceding the
3 filing of this Accusation, Respondent individually and as
4 designated broker officer for American Spirit Realty, engaged in
5 the business of, acted in the capacity of, advertised or assumed
6 to act as a real estate broker in the State of California,
7 within the meaning of Section 10131(b) of the Code wherein
8 Respondent for or in expectation of a compensation solicited
9 prospective tenants or, negotiated rental agreements for and
10 collected rents from properties owned by another or others and
11 otherwise managed real properties in or near San Diego,
12 California.

13 IV

14 On or about August 9, 2002, a representative of the
15 Real Estate Commissioner, after service of a subpoena duces
16 tecum on Respondent, required that records, papers, books,
17 accounts and documents executed or obtained in connection with
18 transactions for which a real estate license is required be made
19 available for examination and inspection. Respondent failed
20 and/or refused to make said records available for inspection
21 and/or failed to retain said records.

22 V

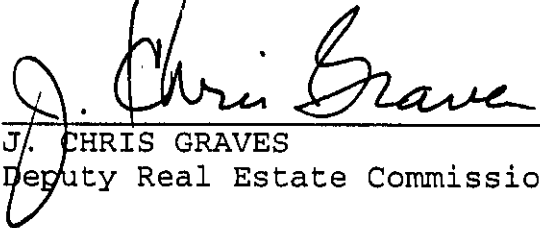
23 The acts and/or omissions of Respondent described
24 above is grounds for the suspension or revocation of
25 Respondent's licenses and/or license rights under Section
26 10177(d) of the Code in conjunction with Section 10148 of the
27 Code.

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PRIOR DISCIPLINARY ACTION

On May 25, 2001, effective June 21, 2001, in Case No. H-2587 SD, the Real Estate Commissioner, revoked Respondents real estate broker license with the right to a restricted real estate broker license on terms and conditions for violation of Section 10177(h) of the Business and Professions 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 Respondent, 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.


J. CHRIS GRAVES
Deputy Real Estate Commissioner

Dated at San Diego, California,
this 21st day of May, 2003.