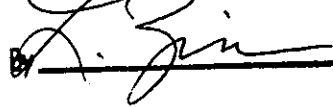


FILED

JUN 20 2010

DEPARTMENT OF REAL ESTATE



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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

THE WALTERS HOME MANAGEMENT
COMPANY and JENNIFER J. NEWTON,

Respondents.

No. H-2872 SD

ORDER GRANTING REINSTATEMENT OF LICENSES

On February 9, 2004, in Case No. H-2872 SD, a Decision was rendered revoking the real estate broker and real estate corporation licenses of Respondents effective June 7, 2004, but granting Respondents the right to the issuance of a restricted real estate broker license and a restricted real estate corporation license. A restricted real estate broker license and a restricted real estate corporation license were issued to Respondents on June 7, 2004, and Respondents have operated as restricted licensees since that time.

On August 17, 2007, Respondents petitioned for the removal of restrictions attaching to Respondents' real estate broker and real estate corporation licenses, and the Attorney General of the State of California has been given notice of the filing of the petition.

///

1 I have considered Respondents' petition and the evidence and arguments in
2 support thereof. Respondents have demonstrated to my satisfaction that Respondents meets the
3 requirements of law for the issuance to Respondents of an unrestricted real estate broker license
4 and an unrestricted real estate corporation license, and that it would not be against the public
5 interest to issue said licenses to Respondents.

6 NOW, THEREFORE, IT IS ORDERED that Respondents' petition for
7 reinstatement is granted and that real estate broker and real estate corporation licenses be issued
8 to Respondents if Respondents satisfy the following requirements:

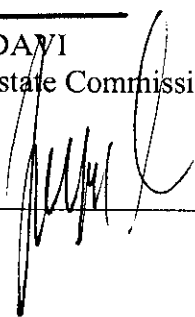
9 1. Submit a completed application and pay the fee for a real estate broker
10 license and a real estate corporation license within the 12 month period following the date of this
11 Order; and

12 2. Submit proof that Respondent Jennifer J. Newton has completed the
13 continuing education requirements for renewal of the license sought. The continuing education
14 courses must be completed either (i) within the 12 month period preceding the filing of the
15 completed application, or (ii) within the 12 month period following the date of this Order.

16 This Order shall become effective immediately.

17 DATED: _____

18 JEFF DAVI
19 Real Estate Commissioner

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FILED
APR 28 2004

DEPARTMENT OF REAL ESTATE

By *Kathleen Contreras*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
)	
THE WALTERS HOME MANAGEMENT CO.,)	NO. H-2872 SD
and JENNIFER J. NEWTON,)	
)	
Respondents.)	
)	

ORDER STAYING EFFECTIVE DATE

On February 9, 2004, a Decision was rendered in the above-entitled matter to become effective on May 6, 2004.

On April 26, 2004, Respondent requested a stay for the purpose of filing a petition for reconsideration of the Decision of February 9, 2004.

IT IS HEREBY ORDERED that the effective date of the Decision is stayed for a period of thirty (30) days. The Decision of February 9, 2004, shall become effective at 12 o'clock noon on June 7, 2004.

DATED: April 27, 2004.

JOHN R. LIBERATOR
Acting Real Estate Commissioner

John R. Liberator

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

FILED
APR 16 2004

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

9 BEFORE THE DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)
13 THE WALTERS HOME MANAGEMENT)
14 COMPANY, and)
15 JENNIFER J. NEWTON,)
16 Respondents.)

NO. H-2872 SD

STIPULATION AND AGREEMENT

18 It is hereby stipulated by and between THE WALTERS
19 HOME MANAGEMENT COMPANY and JENNIFER J. NEWTON (hereafter
20 Respondents), represented by Kenneth E. Lange, Attorney at Law,
21 Law Offices of Kimball, Tirey & St. John, and the Complainant,
22 acting by and through Deidre L. Johnson, Counsel for the
23 Department of Real Estate, as follows for the purpose of
24 settling and disposing the Accusation filed on June 19, 2003,
25 in this matter:

26 1. All issues which were to be contested and all
27 evidence which was to be presented by Complainant and Respondents

1 at a formal hearing on the Accusation, which hearing was to be
2 held in accordance with the provisions of the Administrative
3 Procedure Act (APA), shall instead and in place thereof be
4 submitted solely on the basis of the provisions of this
5 Stipulation and Agreement.

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

9 3. On July 1, 2003, Respondents filed their Notices of
10 Defense pursuant to Section 11505 of the Government Code for the
11 purpose of requesting a hearing on the allegations in the
12 Accusation. Respondents hereby freely and voluntarily withdraw
13 said Notices of Defense. Respondents acknowledge that they each
14 understand that by withdrawing said Notices of Defense they will
15 thereby waive their rights to require the Commissioner to prove
16 the allegations in the Accusation at a contested hearing held in
17 accordance with the provisions of the APA, and that they will
18 waive other rights afforded to them in connection with the
19 hearing such as the right to present evidence in defense of the
20 allegations in the Accusation and the right to cross-examine
21 witnesses.

22 4. Respondents, pursuant to the limitations set forth
23 below, hereby admit that the factual allegations pertaining to
24 them in Paragraphs I through V of the Accusation filed in this
25 proceeding are true and correct and the Real Estate Commissioner
26 shall not be required to provide further evidence of such
27 allegations.

1 5. Without admitting the truth of the allegations
2 contained in the rest of the Accusation as to each Respondent,
3 Respondents stipulate that they will not interpose a defense
4 thereto. This Stipulation is based on the factual allegations
5 contained in the Accusation as found below. In the interests of
6 expedience and economy, Respondents each choose not to contest
7 the allegations that pertain to them, but to remain silent, and
8 understand that, as a result thereof, these factual allegations,
9 without being admitted or denied, will serve as a basis for the
10 disciplinary action stipulated to herein. The Real Estate
11 Commissioner shall not be required to provide further evidence to
12 prove said factual allegations.

13 6. Respondents have received, read and understand the
14 "Notice Concerning Costs of Audits." Respondents understand, by
15 agreeing to this Stipulation and Agreement, and after the
16 findings set forth below in the "Determination of Issues" become
17 final, that the Commissioner may charge Respondents THE WALTERS
18 HOME MANAGEMENT COMPANY and JENNIFER J. NEWTON, jointly and
19 severally, for the costs of the following audits that have been
20 and may be conducted pursuant to Section 10148 of the Business
21 and Professions Code:

22 (a) Audit #SD-010035 dated April 26, 2002.

23 (b) Future follow-up audit.
24

25 7. It is understood by the parties that the Real
26 Estate Commissioner may adopt the Stipulation and Agreement as
27 his/her decision in this matter thereby imposing the penalty and

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

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

15 * * *

16 DETERMINATION OF ISSUES

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

21 I

22 The acts and/or omissions of Respondent THE WALTERS
23 HOME MANAGEMENT COMPANY as stipulated above violate
24 Sections 10161.8 and 10145 of the California Business and
25 Professions Code (hereafter the Code), and Sections 2752, 2831,
26 2831.1, 2831.2, 2832.1, and 2834 of Title 10, California Code of

27 ///

1 Regulations, and constitute grounds for disciplinary action under
2 the provisions of Sections 10176(g) and 10177(d) of the Code.

3 II

4 The acts and/or omissions of Respondent JENNIFER J.
5 NEWTON as stipulated above constitute grounds for disciplinary
6 action under the provisions of Section 10177(h) of the Code.

7 * * *

8 ORDER

- 9 A. All real estate license(s) and license rights of Respondents
10 THE WALTERS HOME MANAGEMENT COMPANY and JENNIFER J. NEWTON
11 are revoked.
- 12 B. A restricted real estate broker corporation license shall be
13 issued to Respondent THE WALTERS HOME MANAGEMENT COMPANY and
14 a restricted real estate broker license shall be issued to
15 Respondent JENNIFER J. NEWTON pursuant to Section 10156.6 of
16 the Code if they each make application therefor and pay to
17 the Department the appropriate fee for each license within
18 ninety (90) days of the effective date of the Order.
- 19 C. The restricted licenses issued to Respondents shall be
20 subject to all of the provisions of Section 10156.7 of the
21 Business and Professions Code and to the following conditions
22 and limitations imposed under authority of Section 10156.6 of
23 said Code:
- 24 1) Respondent JENNIFER J. NEWTON shall, prior to and as a
25 condition of the issuance of said restricted license,
26 submit proof satisfactory to the Commissioner of having
27 taken and completed the continuing education course on

1 trust fund accounting and handling specified in
2 paragraph (3) of subdivision (a) of Section 10170.5 of
3 the Business and Professions Code from an approved
4 continuing education course provider. Said course may
5 have been completed within one hundred and twenty (120)
6 days prior to the effective date of the order herein.

7 2) The restricted licenses issued to Respondents may each be
8 suspended prior to hearing by order of the Real Estate
9 Commissioner in the event of each Respondent's conviction
10 or plea of nolo contendere to a crime which bears a
11 substantial relationship to that Respondent's fitness or
12 capacity as a real estate licensee.

13 3) The restricted licenses may each be suspended prior to
14 hearing by Order of the Real estate Commissioner on
15 evidence satisfactory to the Commissioner that
16 Respondents have violated provisions of the California
17 Real Estate Law, the Subdivided Lands Law, Regulations of
18 the Real Estate Commissioner or conditions attaching to
19 the restricted license.

20 4) Respondents shall not be eligible to apply for the
21 issuance of an unrestricted real estate license, nor the
22 removal of any of the conditions of the restricted
23 license, until two (2) years have elapsed from the
24 effective date of this Order.

25 5) Pursuant to Section 10148 of the Business and Professions
26 Code, Respondents, jointly and severally, shall pay the

27 ///

1 Commissioner's reasonable cost for the following audits
2 as a result of the above found violations:

3 (a) Audit #SD-010035 dated April 26, 2002.

4
5 (b) Future follow-up audit.

6 In calculating the amount of the Commissioner's
7 reasonable costs for each audit, the Commissioner may use
8 the estimated average hourly salary for all Department
9 Audit Section personnel performing audits of real estate
10 brokers, and shall include an allocation for travel time
11 to and from the auditor's place of work. Respondents THE
12 WALTERS HOME MANAGEMENT COMPANY and JENNIFER J. NEWTON,
13 jointly and severally, shall pay such costs within sixty
14 (60) days of receiving an invoice from the Commissioner
15 detailing the activities performed during each audit and
16 the amount of time spent performing those activities.
17 The Commissioner may suspend the restricted licenses
18 issued to Respondents pending a hearing held in
19 accordance with Section 11500, et seq., of the Government
20 Code, if payment is not timely made as provided for
21 herein, or as provided for in a subsequent agreement
22 between Respondent and the Commissioner. The suspensions
23 shall remain in effect until payment is made in full for
24 each audit or until Respondents enter into an agreement
25 satisfactory to the Commissioner to provide for payment,
26 or until a decision providing otherwise is adopted
27 following a hearing held pursuant to this condition.

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

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

January 20, 2004
DATED

Deidre L. Johnson
DEIDRE L. JOHNSON
Counsel for Complainant

* * *

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

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1-5-2004

DATED



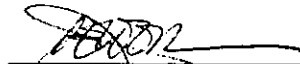
THE WALTERS HOME MANAGEMENT
COMPANY

Respondent

BY: Jennifer Newton, President

1-5-2004

DATED



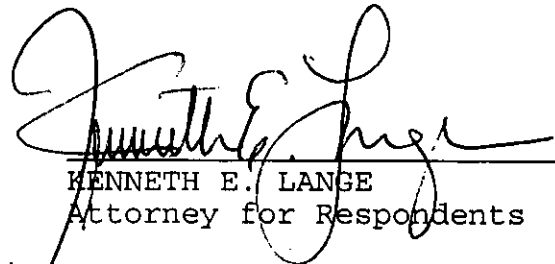
JENNIFER J. NEWTON

Respondent

APPROVED AS TO FORM:

1/5/04

DATED



KENNETH E. LANGE

Attorney for Respondents

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The foregoing Stipulation and Agreement is hereby
adopted as my Decision and shall become effective at 12 o'clock
noon on May 6, 2004.

IT IS SO ORDERED February 9, 2004.

JOHN R. LIBERATOR
Chief Deputy Commissioner

John R. Liberator

FILED
OCT 15 2003

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

DEPARTMENT OF REAL ESTATE

Katherine Contreras

In the Matter of the Accusation of

THE WALTERS HOME MANAGEMENT
COMPANY, and
JENNIFER J. NEWTON,

}

Case No. H-2872 SD

OAH No. L-2003100172

Respondents

NOTICE OF HEARING ON ACCUSATION

To the above named respondents:

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 7, 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.

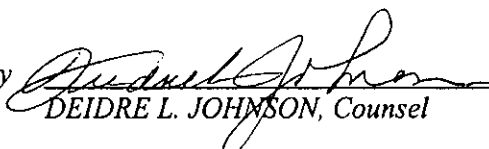
You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented 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: OCTOBER 14, 2003

By 
DEIDRE L. JOHNSON, Counsel

1 DEIDRE L. JOHNSON, Counsel
2 SBN 66322
3 Department of Real Estate
4 P. O. Box 187000
5 Sacramento, CA 95818-7000
6
7 Telephone: (916) 227-0789

FILED
JUN 19 2003

DEPARTMENT OF REAL ESTATE

By *Katherine Contreras*

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

11 * * *

12 In the Matter of the Accusation of)
13 THE WALTERS HOME MANAGEMENT) NO. H-2872 SD
14 COMPANY, and) ACCUSATION
15 JENNIFER J. NEWTON,)
16 Respondents.)

17 The Complainant, J. CHRIS GRAVES, a Deputy Real Estate
18 Commissioner of the State of California, for causes of Accusation
19 against THE WALTERS HOME MANAGEMENT COMPANY and JENNIFER J.
20 NEWTON, is informed and alleges as follows:

21 PRELIMINARY ALLEGATIONS

22 I

23 THE WALTERS HOME MANAGEMENT COMPANY and JENNIFER J.
24 NEWTON are presently licensed and/or have license rights under
25 the Real Estate Law, Part 1 of Division 4 of the California
26 Business and Professions Code (hereafter the Code).
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II

The Complainant, J. CHRIS GRAVES, a Deputy Real Estate Commissioner of the State of California, makes this Accusation against THE WALTERS HOME MANAGEMENT COMPANY, and JENNIFER J. NEWTON in his official capacity and not otherwise.

III

At all times herein mentioned, Respondent THE WALTERS HOME MANAGEMENT COMPANY (hereafter WHMC) was and is licensed by the Department as a real estate broker corporation.

IV

At all times herein mentioned, Respondent JENNIFER J. NEWTON (hereafter NEWTON) was and is licensed by the Department as an individual real estate broker, and as the designated broker officer of Respondent WHMC.

V

At least within the last three years, Respondent WHMC engaged in activities on behalf of others for which a California real estate license is required, for or in expectation of compensation under Section 10131(b) of the Code, and leased or rented, offered to lease or rent, solicited prospective tenants, collected rents on, and/or managed certain real properties in California.

FIRST CAUSE OF ACTION

VI

Beginning in about February of 2002, the Department conducted an audit of some of the above business activities of WHMC for the time period of December 1, 1999 through December 31,

1 2001 (hereafter the audit period), as more particularly set
2 forth in Audit Report No. SD-010035 dated April 26, 2002, and
3 accompanying exhibits and working papers. During the course of
4 the activities described above, WHMC received and disbursed funds
5 in trust on behalf of others.

6 VII

7 Within the last three years, WHMC deposited the trust
8 funds into three trust bank account maintained at Union Bank of
9 California in Los Angeles, as follows:

10 (a) Account No. 2110071879, in the name of "The Walters
11 Home Management Company Trust Account" (hereafter Trust Account
12 #1), used primarily to handle trust funds for property management
13 activities in general;

14 (b) Account No. 2110093244, in the name of "Shirlstar
15 Rental Pool Trust Account" (hereafter Trust Account #2), used
16 primarily to handle trust funds for one individual; and

17 (c) Account No. 2110080959, in the name of "La Costa
18 Rental Pool Trust Account" (hereafter Trust Account #3), used
19 primarily to handle trust funds for a company owned by about
20 32 individual owners of condominiums in a complex.

21 VIII

22 In connection with the collection and disbursement of
23 trust funds during the audit period as alleged above, WHMC failed
24 to deposit and maintain the trust funds in a trust account or
25 neutral escrow depository, or to deliver them into the hands of
26 the owners of the funds, as required by Section 10145 of the

27 ///

1 Code, in such a manner that there were trust fund shortages as
2 follows:

3 (a) As to Trust Account #1, a trust fund shortage in
4 the approximate amount of \$15,401.66 as of December 31, 2001; and

5 (b) As to Trust Account #3, a trust fund shortage in
6 the approximate amount of \$4,352.88 as of December 31, 2001.

7 IX

8 In connection with the receipt and disbursement of
9 trust funds as above alleged, WHMC:

10 (a) Failed to maintain a written control record of
11 all trust funds received and disbursed as to each
12 trust account containing all information required
13 by Section 2831 of the Regulations, including but
14 not limited to the posting of all transactions in
15 chronological sequence, and accurate dates of
16 deposit;

17 (b) Failed to maintain separate beneficiary or
18 transaction records as to each trust account
19 containing all information required by Section
20 2831.1, including but not limited to the posting
21 of all transactions in chronological sequence, and
22 accurate daily balances;

23 (c) Failed to reconcile the balance of separate
24 beneficiary or transaction records for each bank
25 account with the control record of trust funds
26 received and disbursed at least once a month,
27 and/or failed to maintain a record of such

1 reconciliations as required by Section 2831.2 of
2 the Regulations; and

3 (d) Failed to obtain the prior written consents of the
4 principals for the reductions of the aggregate
5 balances of trust funds in Trust Accounts #1
6 and #3 to an amount less than the existing
7 aggregate trust fund liability to the owners of
8 said funds in each account, in conformance with
9 Section 2832.1 of the Regulations.

10 X

11 Within the last three years, WHMC authorized or
12 permitted withdrawals to be made from some or all of the above
13 bank accounts upon the sole signature of John Alioto and Joseph
14 Farinelli. Alioto and Farinelli were licensed real estate
15 brokers and shareholders of WHMC, and did not have written
16 association or employment agreements with the company, pursuant
17 to Section 2726 of the Regulations, and did not have specific
18 written authorization from the designated broker officer of WHMC
19 to conduct such trust fund activities, pursuant to Section 2834
20 of the Regulations.

21 XI

22 As of January 25, 2002, Ryan Hayden Hoberg was a
23 licensed real estate salesperson registered with the Department
24 in the employ of Respondent WHMC, when he had left the employ of
25 WHMC in approximately April of 2001. Respondent WHMC failed to
26 notify the Department of Hoberg's termination pursuant to
27 Section 10161.8 of the Code and Section 2752 of the Regulations.

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XII

During the audit period, Respondent WHMC collected various fees on behalf of the property owners, including but not limited to late fees charged to tenants paying rent late, lease cancellation fees charged to tenants quitting their rentals prior to expiration of their leases, and "NSF" fees charged to tenants whose checks did not clear the bank. Respondent WHMC retained some or all of the above fees for the benefit of WHMC and not for the benefit of the owners of the funds.

XIII

Respondent WHMC did not have written disclosures regarding the company's charging, collecting, accounting for, and retaining of the above fees in the written management agreements with the property owners. Respondent WHMC thereby claimed or took secret or undisclosed compensation or profit, and/or failed to reveal the full amount of its compensation and/or profit to some or all of the principal property owners.

XIV

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

- (a) As to Paragraphs VIII(a) and VIII(b), under Section 10145 of the Code in conjunction with Section 10177(d) of the Code;
- (b) As to Paragraph IX(a), under Section 2831 of the Regulations in conjunction with Section 10177(d) of the Code;

- 1 (c) As to Paragraph IX(b), under Section 2831.1 of
2 the Regulations in conjunction with Section
3 10177(d) of the Code;
- 4 (d) As to Paragraph IX(c), under Section 2831.2 of
5 the Regulations in conjunction with Section
6 10177(d) of the Code;
- 7 (e) As to Paragraph IX(d), under Section 2832.1 of
8 the Regulations in conjunction with Section
9 10177(d) of the Code;
- 10 (f) As to Paragraph X, under Section 2834 of the
11 Regulations in conjunction with Section
12 10177(d) of the Code;
- 13 (g) As to Paragraph XI, under Section 10161.8 of the
14 Code and Section 2752 of the Regulations; and
- 15 (h) As to Paragraphs XII and XIII, under Section
16 10176(g) of the Code.

17
18 SECOND CAUSE OF ACTION

19 XV

20 At all times above mentioned, NEWTON was responsible,
21 as the designated real estate officer, for the supervision and
22 control of the activities conducted on behalf of WHMC by its
23 officers, agents, and employees, and failed to so exercise
24 reasonable supervision and control. In particular, NEWTON
25 caused, permitted, and/or ratified some or all of the conduct
26 alleged above, and/or failed to take reasonable steps to oversee
27 the daily operations of WHMC, including but not limited to:

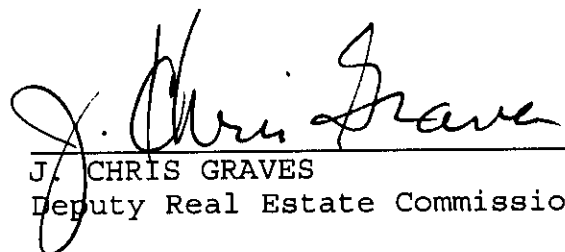
1 (a) the establishment and maintenance of policies,
2 rules, procedures and systems to review, oversee, inspect and
3 manage the trust fund records, the handling of trust funds,
4 access to trust accounts, and the charging of fees; and/or

5 (b) the implementation of systems for monitoring
6 compliance therewith to ensure compliance by WHMC with the Real
7 Estate Law.

8 XVI

9 The acts and/or omissions of NEWTON as alleged above
10 constitute grounds for disciplinary action under the provisions
11 of Section 10177(h) of the Code.

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

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J. CHRIS GRAVES
Deputy Real Estate Commissioner

Dated at San Diego, California,
this 11th day of June, 2003