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BUREAU OF REAL ESTATE

By R dew

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9 BEFORE THE BUREAU OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)
13 SCOT ANTHONY LEVESQUE,) NO. H-2968 FR
14 Respondent.) ACCUSATION

15 The Complainant, BRENDA SMITH, a Supervising Special Investigator of
16 the State of California, makes this Accusation for cause in her official capacity against
17 SCOT ANTHONY LEVESQUE (herein "Respondent"), is informed and alleges as follows:

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19 At all times herein mentioned, Respondent was and now is licensed and/or has
20 license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions
21 Code) (herein "the Code").

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23 At all times herein mentioned, Respondent was and now is licensed by the State
24 of California Bureau of Real Estate (herein the "Bureau") as a real estate broker.

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26 At all times herein mentioned Respondent engaged in the business of, acted in the
27 capacity of, advertised, or assumed to act as a real estate broker wherein, on behalf of others, for

1 compensation or in expectation of compensation within the State of California within the
2 meaning of Section 10131(d) of the Code, including the operation and conduct of a mortgage
3 loan brokerage with the public wherein Respondent solicited lenders or borrowers for or
4 negotiated loans or loan modifications or collected payments or performed services for borrowers
5 or lenders or note owners in connection with loans secured directly or collaterally by liens on
6 real property or on a business opportunity.

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8 On about May 15, 2015, an audit was conducted of the records of Respondent in
9 connection with the activities described in Paragraph 3, above. The auditor herein examined the
10 records for the period between about January 1, 2014, and about May 31, 2015, and found
11 Respondent:

- 12 (a) failed to file a Threshold Notification with the Bureau, in violation of
13 Section 10232(e) of the Code;
- 14 (b) failed to submit a Trust Fund Non-Accountability Report to the Bureau, in
15 violation of Section 10232.25(d) of the Code;
- 16 (c) negotiated residential mortgage loans without a Real Estate License
17 Mortgage Loan Originator Endorsement, in violation of Section 10166.02
18 of the Code;
- 19 (d) failed to disclose loan to value ratios and fair market value on Lender
20 Purchaser Disclosure Statements (LPDS) for five (5) properties (Stanford
21 Avenue, Holly Avenue, 3rd St., Avenue 22 1/2 and Mission Avenue) and
22 failed to sign and date LPDS' for three (3) properties (Stanford Avenue,
23 Holly Avenue and Avenue 22 1/2), all in violation of Section 10232.4(a)
24 of the Code;
- 25 (e) failed to provide the correct version of the LPDS for the Mission Avenue
26 property, in violation of Section 10232.5(a) of the Code;

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- 1 (f) failed to file a Multi-Lender Transaction Notice, in violation of Section
2 10238(a) of the Code;
- 3 (g) failed to file a Mortgage Loan Business Activity Report, in violation of
4 Section 10166.07(a) of the Code; and
- 5 (h) failed to register his branch office located at 301 W 18th Street, Suite 202,
6 Merced, CA 95340, with the Bureau, in violation of Section 10163 of the
7 Code.

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9 The facts alleged above are grounds for the suspension or revocation of the
10 license and license rights of Respondent under the following provisions of the Code and/or
11 the Regulations:

- 12 (a) as to Paragraph 4(a) under Section 10232(e) of the Code in conjunction
13 with Section 10177(d) of the Code;
- 14 (b) as to Paragraph 4(b) under Section 10232.25(d) of the Code in
15 conjunction with Section 10177(d) of the Code;
- 16 (c) as to Paragraph 4(c) under Section 10166.02 of the Code in conjunction
17 with Section 10177(d) of the Code;
- 18 (d) as to Paragraph 4(d) under Section 10232.4(a) of the Code in
19 conjunction with Section 10177(d) of the Code;
- 20 (e) as to Paragraph 4(e) under Section 10232.5(a) of the Code in
21 conjunction with Section 10177(d) of the Code;
- 22 (f) as to Paragraph 4(f) under Section 10238(a) of the Code in conjunction
23 with Section 10177(d) of the Code;
- 24 (g) as to Paragraph 4(g) under Section 10166.07(a) of the Code in
25 conjunction with Section 10177(d) of the Code; and,
- 26 (h) as to Paragraph 4(h) under Section 10163 of the Code in conjunction
27 with Section 10177(d) of the Code;

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COST RECOVERY

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Audit Costs

The acts and/or omissions of Respondent as alleged above, entitle the Bureau to reimbursement of the costs of its audit pursuant to Section 10148(b) of the Code.

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Investigation and Enforcement Costs

Section 10106 of the Code provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Bureau, the Commissioner may request the Administrative Law Judge to direct a licensee found to have committed a violation of this part to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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 under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code), for the cost of the audit as permitted by law, and for the cost of the investigation and enforcement as permitted by law, and for such other and further relief as may be proper under other applicable provisions of law.


BRENDA SMITH
Supervising Special Investigator

Dated at Fresno, California
this 15th day of October, 2015.