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9	BEFORE THE DEPARTMEN	NT OF REAL ESTATE
10	STATE OF CAI	LIFORNIA
11	* * *	
12	In the Matter of the Accusation of) No. H-03289 FR
13	REALTY DIMENSIONS, INC.,) <u>ACCUSATION</u>
14	STEPHANIE DIANE MAZZA, individually and as former designated)
15	officer of Realty Dimensions, Inc., BAKERSFIELD PROPERTIES)
16	ATTENDED INC, doing business as)
17	Realty Dimensions Property Management, MELODY JOY BLAIN-EILERS,)
18	doing business as Realty Dimensions, individually and as former designated)
19	officer of Bakersfield Properties Attended Inc,)
20	and MARTHA ELENA LUJAN RUIZ,)
21	Respondents.)
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27	Accusation of Realty Dimensions Inc. Stephen	nie Diane Mazza, Bakersfield Properties Attended Inc,
		Aelody Joy Blain-Eilers, and Martha Elena Lujan Ruiz
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1	The Complainant, Brenda Smith, a Supervising Special Investigator of the
2	State of California, for cause of Accusation against REALTY DIMENSIONS, INC.,
3	STEPHANIE DIANE MAZZA, individually and as former designated officer of Realty
4	Dimensions, Inc., BAKERSFIELD PROPERTIES ATTENDED INC, doing business as Realty
5	Dimensions Property Management, MELODY JOY BLAIN-EILERS, doing business as Realty
6	Dimensions, individually and as former designated officer of Bakersfield Properties Attended
. 7	Inc, and MARTHA ELENA LUJAN RUIZ ("Respondents"), is informed and alleges as
. 8	follows:
9	1.
10	The Complainant, Brenda Smith, acting in her official capacity as a Supervising
11	Special Investigator of the State of California, makes this Accusation against Respondents
12	REALTY DIMENSIONS, INC., STEPHANIE DIANE MAZZA, BAKERSFIELD
1.3	PROPERTIES ATTENDED INC, MELODY JOY BLAIN-EILERS, and MARTHA ELENA
14	LUJAN RUIZ.
15	2.
16	All references to the "Code" are to the California Business and Professions Code
17	and all references to "Regulations" are to Title 10, Chapter 6, California Code of Regulations.
18	LICENSE HISTORY
19	3.
20	Respondent REALTY DIMENSIONS, INC. presently has license rights under
21	the Real Estate Law, Part 1 of Division 4 of the Code as a corporate real estate broker.
22	4.
23	Respondent STEPHANIE DIANE MAZZA ("MAZZA") presently has license
. 24	rights as a real estate broker.
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	Accusation of Realty Dimensions, Inc., Stephanie Diane Mazza, Bakersfield Properties Attended Inc, Melody Joy Blain-Eilers, and Martha Elena Lujan Ruiz
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2	From August 21, 2018, to September 17, 2018, Respondent REALTY
3	DIMENSIONS, INC. was licensed by the Department of Real Estate ("Department") as a
4	corporate real estate broker by and through Respondent MAZZA, as the designated officer and
5	broker responsible, pursuant to Code section 10159.2, for supervising the activities requiring a
6	real estate license conducted on behalf of REALTY DIMENSIONS, INC., or by REALTY
7	DIMENSIONS, INC.'S officers, agents and employees. From September 18, 2018, through
8	May 15, 2019, REALTY DIMENSIONS, INC. was licensed by the Department but not
9	affiliated with a designated officer.
10	6.
11	Respondent BAKERSFIELD PROPERTIES ATTENDED INC
12	("BAKERSFIELD PROPERTIES") presently has license rights as a corporate real estate
13	broker. On July 20, 2018, BAKERSFIELD PROPERTIES'S license expired. Pursuant to Code
14	section 10201, BAKERSFIELD PROPERTIES retains renewal rights for two years. The
15	Department holds jurisdiction over the lapsed license, pursuant to Code section 10103.
16	7.
17	Respondent MELODY JOY BLAIN-EILERS ("BLAIN-EILERS") presently has
18	license rights as a restricted real estate broker.
19	8.
20	From July 21, 2006, to March 23, 2018, Respondent BAKERSFIELD
21	PROPERTIES was licensed by the Department as a corporate real estate broker by and through
22	Respondent BLAIN-EILERS, as the designated officer and broker responsible, pursuant to
23	Code section 10159.2, for supervising the activities requiring a real estate license conducted on
24	behalf of BAKERSFIELD PROPERTIES, or by BAKERSFIELD PROPERTIES'S officers,
25	agents and employees. From March 24, 2018, through July 20, 2018, BAKERSFIELD
26	PROPERTIES was licensed by the Department but not affiliated with a designated officer.
27	Accusation of Realty Dimensions, Inc., Stephanie Diane Mazza, Bakersfield Properties Attended Inc, Melody Joy Blain-Eilers, and Martha Elena Lujan Ruiz

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1	9.
2	Respondent MARTHA ELENA LUJAN RUIZ ("LUJAN RUIZ") presently has
3	license rights as a real estate salesperson. LUJAN RUIZ is the sole director, Chief Financial
4	Officer, and former Chief Executive Officer of Respondent REALTY DIMENSIONS, INC.
5	PRIOR LICENSE DISCIPLINE
6	10.
7	On or about February 9, 2006, the Real Estate Commissioner in Case
8	No. H-1806 FR adopted as his Decision effective on or about February 13, 2006, the
9	Administrative Law Judge's Proposed Decision dated January 5, 2006. As more fully described
10	in the Proposed Decision, Respondent BLAIN-EILERS acted as a real estate broker leasing or
11	renting real property for others and violated Code sections 10145, 10176(e), 10176(g), and
12	10176(i) and Regulations section 2832.1. The Proposed Decision provided that
13	BLAIN-EILERS'S real estate broker license was revoked and that BLAIN-EILERS would be
14	issued a restricted real estate broker license if BLAIN-EILERS complied with certain
15	conditions such as submitting an application within 90 days of the effective date.
16	FIRST CAUSE OF ACTION
17	BROKERAGE
18	BAKERSFIELD PROPERTIES ATTENDED INC
19	11.
20	At all times mentioned, in the City of Bakersfield, County of Kern, Respondent
21	BAKERSFIELD PROPERTIES acted as a real estate broker, conducting licensed activities
22	within the meaning of Code section 10131(b) (leases or rents real property for others).
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27	Accusation of Realty Dimensions, Inc., Stephanie Diane Mazza, Bakersfield Properties Attended Inc, Melody Joy Blain-Eilers, and Martha Elena Lujan Ruiz
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BAKERSFIELD PROPERTIES ATTENDED INC

12.

4	On January 29, 2019, the Department completed audit examinations of the
5	books and records of Respondent BAKERSFIELD PROPERTIES pertaining to the activities
6	described in Paragraph 11 which require a real estate license. The audit examinations covered a
7	period of time from January 1, 2017, to February 28, 2018. The audit examinations revealed
8	violations of the Code and the Regulations as set forth in the following paragraphs, and as more
9	fully discussed in Audit Report FR-17-0121 and the exhibits and workpapers attached to said
10	audit report.
11	AUDIT VIOLATIONS OF THE REAL ESTATE LAW
12	13.
13	In the course of activities described in Paragraph 11 above and during the
14	examination periods described in Paragraph 12 above, Respondent BAKERSFIELD
15	PROPERTIES acted in violation of the Code and the Regulations in that:
16	13(a) As of December 29, 2017, Respondent BAKERSFIELD PROPERTIES
17	had a trust fund shortage in the amount of \$929.91. Respondent did not have written consent
18	from the owners of the trust funds to reduce the balance of trust funds to an amount less than
19	the aggregate trust fund liabilities, in violation of Code section 10145 and Regulations
20	section 2832.1. Respondent cured the shortage in January 2018.
21	13(b) Respondent BAKERSFIELD PROPERTIES did not maintain a complete
22	and accurate separate record of all trust funds received and disbursed for each beneficiary in
23	connection with Respondent's property management activities, in violation of Code
24	section 10145 and Regulations section 2831.1.
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27	Accusation of Realty Dimensions, Inc., Stephanie Diane Mazza, Bakersfield Properties Attended Inc, Melody Joy Blain-Eilers, and Martha Elena Lujan Ruiz - 5 -

13(c) Respondent BAKERSFIELD PROPERTIES did not perform and 1 maintain a monthly reconciliation of all the separate records with the control record of all trust 2 funds received and disbursed, in violation of Code section 10145 and Regulations 3 section 2831.2. 4 13(d) Bank accounts used by Respondent BAKERSFIELD PROPERTIES for 5 trust funds were not designated as a trust account in violation of Code section 10145 and б Regulations section 2832. 7 13(e) Respondent BAKERSFIELD PROPERTIES did not maintain a complete 8 and accurate control record or general ledger of all trust funds received and disbursed, in 9 violation of Code section 10145 and Regulations section 2831. 10 11 14. 12 The conduct, acts, or omissions of Respondent BAKERSFIELD PROPERTIES, 13 described in Paragraph 13 above, violated the Code and the Regulations as set forth below: 14PARAGRAPH PROVISIONS VIOLATED 15 13(a) Code section 10145 and Regulations section 2832.1 Code section 10145 and Regulations section 2831.1 16 13(b) 17 13(c)Code section 10145 and Regulations section 2831.2 18 13(d) Code section 10145 and Regulations section 2832 19 13(e)Code section 10145 and Regulations section 2831 20 The foregoing violations constitute cause for the suspension or revocation of all 21 the licenses, license endorsements, and license rights of Respondent BAKERSFIELD 22 PROPERTIES under the Real Estate Law pursuant to the provisions of Code sections 10177(d) and 10177(g). 23 24 /// 25 $\parallel \parallel$ 26 III27 Accusation of Realty Dimensions, Inc., Stephanie Diane Mazza, Bakersfield Properties Attended Inc, Melody Joy Blain-Eilers, and Martha Elena Lujan Ruiz - 6 -

 of Code section 10131(b) (leases or rents real property for others). AUDIT AUDIT MELODY JOY BLAIN-EILERS 17. On January 29, 2019, the Department completed audit examinations of the books and records of Respondent BLAIN-EILERS pertaining to the activities described in Paragraph 16 which require a real estate license. The audit examinations covered a period of time from January 1, 2018, to August 3, 2018. The audit examinations revealed violations of the Code and the Regulations as set forth in the following paragraphs, and as more fully discussed in Audit Report FR-17-0118 and the exhibits and workpapers attached to said audit report. 		
2 SUPERVISION AND COMPLIANCE 3 15. 4 15. 5 Paragraphs 13 and 14 above, in failing to ensure compliance of the Real Estate Law by 6 Respondent BAKERSFIELD PROPERTIES, is in violation of Code section 10159.2 and 7 Regulations section 2725, and subjects all the licenses, license endorsements, and license rights 6 fbLAIN-EILERS to suspension or revocation pursuant to Code sections 10177(d), 10177(g), 7 and 10177(h). 7 BROKERAGE 7 MELODY JOY BLAIN-EILERS 7 If. 7 BROKERAGE 7 At all times mentioned, in the City of Bakersfield, County of Kern, Respondent 7 At all times mentioned, in the City of Bakersfield, County of Kern, Respondent 7 AUDIT 7 AUDIT 7 MELODY JOY BLAIN-EILERS 7 17. 7 On January 29, 2019, the Department completed audit examinations of the 8 books and records of Respondent BLAIN-EILERS pertaining to the activities described in 7 Paragraph 16 which require a real estate license. The audit examinations revealed violations of 7 the Code and the Regulatio		
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 Paragraph 16 which require a real estate license. The audit examinations covered a period of time from January 1, 2018, to August 3, 2018. The audit examinations revealed violations of the Code and the Regulations as set forth in the following paragraphs, and as more fully discussed in Audit Report FR-17-0118 and the exhibits and workpapers attached to said audit report. Accusation of Realty Dimensions, Inc., Stephanie Diane Mazza, Bakersfield Properties Attended Inc, Melody Joy Blain-Eilers, and Martha Elena Lujan Ruiz 	20	On January 29, 2019, the Department completed audit examinations of the
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 the Code and the Regulations as set forth in the following paragraphs, and as more fully discussed in Audit Report FR-17-0118 and the exhibits and workpapers attached to said audit report. Accusation of Realty Dimensions, Inc., Stephanie Diane Mazza, Bakersfield Properties Attended Inc, Melody Joy Blain-Eilers, and Martha Elena Lujan Ruiz 	22	Paragraph 16 which require a real estate license. The audit examinations covered a period of
 discussed in Audit Report FR-17-0118 and the exhibits and workpapers attached to said audit report. Accusation of Realty Dimensions, Inc., Stephanie Diane Mazza, Bakersfield Properties Attended Inc, Melody Joy Blain-Eilers, and Martha Elena Lujan Ruiz 	23	time from January 1, 2018, to August 3, 2018. The audit examinations revealed violations of
 report. Accusation of Realty Dimensions, Inc., Stephanie Diane Mazza, Bakersfield Properties Attended Inc, Melody Joy Blain-Eilers, and Martha Elena Lujan Ruiz 	24	the Code and the Regulations as set forth in the following paragraphs, and as more fully
27 Accusation of Realty Dimensions, Inc., Stephanie Diane Mazza, Bakersfield Properties Attended Inc, Melody Joy Blain-Eilers, and Martha Elena Lujan Ruiz	25	discussed in Audit Report FR-17-0118 and the exhibits and workpapers attached to said audit
Accusation of Realty Dimensions, Inc., Stephanie Diane Mazza, Bakersfield Properties Attended Inc, Melody Joy Blain-Eilers, and Martha Elena Lujan Ruiz	26	report.
	27	Accusation of Realty Dimensions, Inc., Stephanie Diane Mazza, Bakersfield Properties Attended Inc, Melody Joy Blain-Eilers, and Martha Elena Lujan Ruiz

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AUDIT VIOLATIONS OF THE REAL ESTATE LAW

18.

In the course of activities described in Paragraph 16 above and during the
examination periods described in Paragraph 17 above, Respondent BLAIN-EILERS acted in
violation of the Code and the Regulations in that:
18(a) As of May 21, 2018, Respondent BLAIN-EILERS had a trust fund
shortage in the amount of \$5,470.27. Respondent did not have written consent from the owners

of the trust funds to reduce the balance of trust funds to an amount less than the aggregate trust
fund liabilities, in violation of Code section 10145 and Regulations section 2832.1.

18(b) Respondent BLAIN-EILERS commingled her own money in the amount
of \$763.18 in bank accounts with trust funds, in violation of Code section 10176(e).

12 18(c) Respondent BLAIN-EILERS did not maintain a complete and accurate
13 separate record of all trust funds received and disbursed for each beneficiary in connection with
14 Respondent's property management activities, in violation of Code section 10145 and
15 Regulations section 2831.1.

16 18(d) Respondent BLAIN-EILERS did not perform and maintain a monthly
17 reconciliation of all the separate records with the control record of all trust funds received and
18 disbursed, in violation of Code section 10145 and Regulations section 2831.2.

19 18(e) The conduct, acts, or omissions of Respondent BLAIN-EILERS, as
 20 described in Paragraph 18, in failing to ensure compliance of the Real Estate Law by
 21 Respondent BLAIN-EILERS'S salespersons or broker associates, is in violation of Regulations
 22 section 2725.

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Accusation of Realty Dimensions, Inc., Stephanie Diane Mazza, Bakersfield Properties Attended Inc, Melody Joy Blain-Eilers, and Martha Elena Lujan Ruiz

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1	19.	
2	The conduct, acts, or omissions of Respondent BLAIN-EILERS, described in	
3	Paragraph 18 above, violated the Code and the Regulations as set forth below:	
4	PARAGRAPH PROVISIONS VIOLATED	
5	8(a) Code section 10145 and Regulations section 2832.1	
6	8(b) Code section 10176(e)	
7	8(c) Code section 10145 and Regulations section 2831.1	
8	8(d) Code section 10145 and Regulations section 2831.2	
9	8(e) Regulations section 2725	
10	The foregoing violations constitute cause for the suspension or revocation of all	
11	the licenses, license endorsements, and license rights of Respondent BLAIN-EILERS under the	
12	Real Estate Law pursuant to the provisions of Code sections 10176(e), 10177(d), 10177(g),	
13	and 10177(h).	
14	FOURTH CAUSE OF ACTION	
15	BROKERAGE	
16	REALTY DIMENSIONS, INC.	
17	20.	
18	At all times mentioned, in the City of Bakersfield, County of Kern, Respondent	
19	REALTY DIMENSIONS, INC. acted as a real estate broker, conducting licensed activities	
20	within the meaning of Code section 10131(b) (leases or rents real property for others).	
21		
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23	///	
24	///	
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27	Accusation of Realty Dimensions, Inc., Stephanie Diane Mazza, Bakersfield Properties Attended Inc, Melody Joy Blain-Eilers, and Martha Elena Lujan Ruiz	
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AUDIT

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REALTY DIMENSIONS, INC.

3	21.
4	On July 29, 2019, the Department completed audit examinations of the books
5	and records of Respondent REALTY DIMENSIONS, INC. pertaining to the activities described
6	in Paragraph 20 which require a real estate license. The audit examinations covered a period of
7	time from June 1, 2018, to February 28, 2019. The audit examinations revealed violations of
8	the Code and the Regulations as set forth in the following paragraphs, and as more fully
9	discussed in Audit Report FR-18-0047 and the exhibits and workpapers attached to said audit
10	report.
11	AUDIT VIOLATIONS OF THE REAL ESTATE LAW
12	22.
13	In the course of activities described in Paragraph 20 above and during the
14	examination periods described in Paragraph 21 above, Respondents REALTY DIMENSIONS,
15	INC., MAZZA, and LUJAN RUIZ acted in violation of the Code and the Regulations in that:
16	22(a) As of September 16, 2018, Respondent REALTY DIMENSIONS, INC.
17	had a trust fund shortage in the amount of \$21,507.42 in one bank account and a trust fund
18	shortage in the amount of \$1,027.75 in another bank account. As of January 31, 2019,
19	Respondent REALTY DIMENSIONS, INC. had a trust fund shortage in the amount of
20	\$51,519.44 in one bank account and a trust fund shortage in the amount of \$1,127.75 in another
21	bank account. Respondent did not have written consent from the owners of the trust funds to
22	reduce the balance of trust funds to an amount less than the aggregate trust fund liabilities, in
23	violation of Code section 10145 and Regulations section 2832.1.
24	22(b) From June 1, 2018, to August 20, 2018, Respondent REALTY
25	DIMENSIONS, INC. performed acts requiring a real estate license when REALTY
26	DIMENSIONS, INC. was unlicensed, in violation of Code section 10130.
27	Accusation of Realty Dimensions, Inc., Stephanie Diane Mazza, Bakersfield Properties Attended Inc, Melody Joy Blain-Eilers, and Martha Elena Lujan Ruiz
	- 10 -

1	22(c) From September 17, 2018, to February 28, 2019, Respondent REALTY		
2	2 DIMENSIONS, INC. and Respondent LUJAN I	DIMENSIONS, INC. and Respondent LUJAN RUIZ performed acts requiring a real estate	
3	3 license when REALTY DIMENSIONS, INC. ar	nd LUJAN RUIZ were not affiliated with a	
4	4 broker or designated officer, in violation of Cod	e section 10130.	
5	5 22(d) The conduct, acts, or omi	ssions of Respondent MAZZA, as described in	
6	6 Paragraph 22, in failing to ensure compliance of	the Real Estate Law by Respondent REALTY	
7	7 DIMENSIONS, INC., is in violation of Code se	ction 10159.2 and Regulations section 2725.	
8	8 22(e) Respondent REALTY DI	MENSIONS, INC. failed to deposit trust funds	
9	9 into a trust account within three business days f	ollowing receipt of the trust funds by REALTY	
10	DIMENSIONS, INC., in violation of Code section	on 10145 and Regulations section 2832.	
11	1 2	3.	
12	² The conduct, acts, or omissions of	of Respondents REALTY DIMENSIONS, INC.,	
13	³ MAZZA, and LUJAN RUIZ described in Parag	raph 22 above, violated the Code and the	
14	4 Regulations as set forth below:		
15	5 <u>PARAGRAPH</u> PRO	VISIONS VIOLATED	
16	6 22(a) Code	e section 10145 and Regulations section 2832.1	
17	7 (REA	ALTY DIMENSIONS, INC.)	
18	8 22(b) Code	e section 10130	
19	9 (RE.	ALTY DIMENSIONS, INC.)	
20	0 22(c) Code	e section 10130	
21		ALTY DIMENSIONS, INC. and LUJAN RUIZ)	
22	2 22(d) Code	e section 10159.2 and Regulations section 2725	
23	3 (MA	ZZA)	
24	4 22(e) Code	e section 10145 and Regulations section 2832	
25	5 (REA	ALTY DIMENSIONS, INC.)	
26	6		
27	Accusation of Realty Dimensions, Inc., Ste	phanie Diane Mazza, Bakersfield Properties Attended Inc, Melody Joy Blain-Eilers, and Martha Elena Lujan Ruiz 1 -	

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The foregoing violations constitute cause for the suspension or revocation of all 1 2 the licenses, license endorsements, and license rights of Respondent REALTY 3 DIMENSIONS, INC. under the Real Estate Law pursuant to the provisions of Code sections 10177(d) and 10177(g). 4 The foregoing violations constitute cause for the suspension or revocation of all 5 6 the licenses, license endorsements, and license rights of Respondent MAZZA under the Real 7 Estate Law pursuant to the provisions of Code sections 10177(d), 10177(g), and 10177(h). 8 The foregoing violations constitute cause for the suspension or revocation of all 9 the licenses, license endorsements, and license rights of Respondent LUJAN RUIZ under the Real Estate Law pursuant to the provisions of Code sections 10177(d) and 10177(g). 10 11 24. 12 Code section 10148(b) provides, in pertinent part, that the Real Estate 13 Commissioner shall charge a real estate broker for the cost of any audit if the Commissioner has found in a final decision, following a disciplinary hearing, that the broker has violated Code 14 15 section 10145 or a Regulation or rule of the Commissioner interpreting said Code section. 16 25. Code Section 10106 provides, in pertinent part, that in any order issued in 17 18 resolution of a disciplinary proceeding before the Department of Real Estate, the Commissioner may request the administrative law judge to direct a licensee found to have committed a 19 20 violation of this part to pay a sum not to exceed the reasonable costs of the investigation and 21 enforcement of the case. 22 /// 23 ///24 25 111 26 /// 27 Accusation of Realty Dimensions, Inc., Stephanie Diane Mazza, Bakersfield Properties Attended Inc. Melody Joy Blain-Eilers, and Martha Elena Lujan Ruiz - 12 -

1	WHEREFORE, Complainant prays that a hearing be conducted on the
2	allegations of this Accusation and that upon proof thereof, a decision be rendered imposing
3	disciplinary action against all the licenses, license endorsements, and license rights of
4	Respondents REALTY DIMENSIONS, INC., STEPHANIE DIANE MAZZA, BAKERSFIELD
5	PROPERTIES ATTENDED INC, MELODY JOY BLAIN-EILERS, and MARTHA ELENA
6	LUJAN RUIZ under the Real Estate Law, for the cost of audit, investigation, and enforcement
7	as permitted by law, and for such other and further relief as may be proper under other
8	applicable provisions of law.
9	
10	Dated at Fresno, California
11	this 17 day of December, 2019
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13	St.C
14	Brenda Smith Supervising Special Investigator
15	
16	cc: REALTY DIMENSIONS, INC. STEPHANIE DIANE MAZZA
17	BAKERSFIELD PROPERTIES ATTENDED INC
18	MELODY JOY BLAIN-EILERS MARTHA ELENA LUJAN RUIZ
19	Gustavo Bernard Ruiz Brenda Smith
20	Sacto.
21	Audits
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27	Accusation of Realty Dimensions, Inc., Stephanie Diane Mazza, Bakersfield Properties Attended Inc,
	Melody Joy Blain-Eilers, and Martha Elena Lujan Ruiz
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