

FILED
OCT 05 2006

DEPARTMENT OF REAL ESTATE

By Anne Shawna

Department of Real Estate
P.O. Box 187007
Sacramento, CA 95818-7007
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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)

No. H-3470 SD

EAGLE ESTATE-INC., and FREDERICK)
CHARLES BRADLEY,)

STIPULATION AND
AGREEMENT

Respondent.)

It is hereby stipulated by and between EAGLE ESTATE
INC., and FREDERICK CHARLES BRADLEY (hereinafter "Respondents")
and their attorney, Frank M. Buda, and the Complainant, acting
by and through Truly Sughrue, Counsel for the Department of
Real Estate, as follows for the purpose of settling and
disposing the Accusation filed on March 27, 2005 in this
matter:

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

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

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

18 4. This stipulation is based on the factual
19 allegations contained in the Accusation. In the interest of
20 expediency and economy, Respondents choose not to contest these
21 factual allegations, but to remain silent and understands that,
22 as a result thereof, these factual statements will serve as a
23 prima facie basis for the "Determination of Issues" and "Order"
24 set forth below. The Real Estate Commissioner shall not be
25 required to provide further evidence to prove such allegations.

26 5. This Stipulation and Respondents decision not to
27

1 contest the Accusation are made for the purpose of reaching an
2 agreed disposition of this proceeding and are expressly limited
3 to this proceeding and any other proceeding or case in which the
4 Department of Real Estate (hereinafter "the Department"), the
5 state or federal government, an agency of this state, or an
6 agency of another state is involved.

7 6. Respondents understand that by agreeing to this
8 Stipulation and Agreement, Respondents agree to pay, pursuant to
9 Section 10148 of the California Business and Professions Code,
10 the cost of the audit which resulted in the determination that
11 Respondent committed the trust fund violation(s) found in
12 Paragraph II, below, of the Determination of Issues. The amount
13 of said costs is \$8,563.36.

14 7. Respondents further understands that by agreeing
15 to this Stipulation and Agreement in Settlement, the findings
16 set forth below in the Determination Of Issues become final, and
17 that the Commissioner may charge said Respondents for the
18 costs of any audit conducted pursuant to Section 10148 of
19 the California Business and Professions Code to determine if
20 the violations have been corrected. The maximum costs of
21 said audit shall not exceed \$8,563.36.

22 8. It is understood by the parties that the Real
23 Estate Commissioner may adopt the Stipulation and Agreement as
24 his decision in this matter thereby imposing the penalty and
25 sanctions on the real estate licenses and license rights of
26 Respondent as set forth in the below "Order". In the event that
27

1 the Commissioner in his discretion does not adopt the Stipulation
2 and Agreement, it shall be void and of no effect, and Respondents
3 shall retain the right to a hearing and proceeding on the
4 Accusation under all the provisions of the APA and shall not be
5 bound by any admission or waiver made herein.

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

13 * * *

14 DETERMINATION OF ISSUES

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

20 I

21 The acts and/or omissions of Respondent FREDERICK
22 CHARLES BRADLEY (hereinafter "BRADLEY") as described in
23 Paragraphs VI through VIII of the Accusation are grounds for the
24 suspension or revocation of BRADLEY's licenses and license rights
25 under Section 10177(g) of the California Business and Professions
26 Code (hereinafter Code).
27

II

The acts and omissions of Respondents as described in the Accusation are grounds for the suspension or revocation of Respondents licenses and license rights under the following sections of the Code and Regulations:

(a) As to Paragraph IX under Section 10145 of the Code and Section 2832 of the Regulations in conjunction with Section 10177(d) of the Code; and

(b) As to Paragraphs X and XI, under Section 10165 of the Code in conjunction with Section 10161.8 of the Code and Section 10177(d) of the Code in conjunction with Section 2752 of the Regulations.

(c) As to Paragraph XVII(a) under Section 10145 of the Code in conjunction with Section 10177(d) of the Code;

(d) As to Paragraph XVII(b) under Section 2831 of the Regulations in conjunction with Section 10177(d) of the Code;

(e) As to Paragraph XVII(c) under Section 2831.2 of the Regulations in conjunction with Section 10177(d) of the Code; and

(f) As to Paragraph XVII(d) under Section 10176(e) of the Code; and

(g) As to Paragraph XVII(e) under Section 10145 of the Code and Section 2832 of the Regulations in conjunction with Section 10177(d) of the Code; and

(h) As to Paragraph XVIII under Section 2832 of the Regulations in conjunction with Section 10177(d) of the Code.

1 (i) As to Paragraph XIX under Section 2950(h) of the Code
2 in conjunction with Section 10177(d) of the Code.

3 (j) As to Paragraph XX under Section 10163 of the Code in
4 conjunction with Section 10177(d) of the Code

5 III

6 The acts and/or omissions of Respondent BRADLEY
7 described in the Accusation, constitute failure on the part of
8 BRADLEY, as designated broker-officer for EAGLE ESTATE INC., to
9 exercise reasonable supervision and control over the licensed
10 activities of EAGLE ESTATE INC. required by Section 10159.2 of
11 the Code, and is cause for the suspension or revocation of
12 BRADLEY's license and/or license rights under Section 10177(h)
13 of the Code.

14 * * *

15 ORDER

16 I

17 All licenses and licensing rights of Respondent EAGLE ESTATE
18 INC. (hereinafter "EAGLE") under the Real Estate Law are
19 suspended for a period of one hundred and fifty (150) days from
20 the effective date of this Order; provided, however, that:

21 1) Seventy-five (75) days of said suspension shall be stayed,
22 upon the condition that EAGLE petition pursuant to Section
23 10175.2 of the Business and Professions Code and pays a
24 monetary penalty pursuant to Section 10175.2 of the Business
25 and Professions Code at a rate of \$100 for each day of the
26 suspension for a total monetary penalty of \$7,500.
27

- 1 a) Said payment shall be in the form of a cashier's check or
2 certified check made payable to the Recovery Account of the
3 Real Estate Fund. Said check must be delivered to the
4 Department prior to the effective date of the Order in this
5 matter.
- 6 b) No further cause for disciplinary action against the Real
7 Estate licenses of EAGLE occurs within two (2) years from
8 the effective date of the decision in this matter.
- 9 c) If EAGLE fails to pay the monetary penalty as provided above
10 prior to the effective date of this Order, the stay of the
11 suspension shall be vacated as to that Respondent and the
12 order of suspension shall be immediately executed, under
13 this Order, in which event the said Respondent shall not be
14 entitled to any repayment nor credit, prorated or otherwise,
15 for the money paid to the Department under the terms of this
16 Order.
- 17 d) If said Respondent pays the monetary penalty and any other
18 moneys due under this Stipulation and Agreement and if no
19 further cause for disciplinary action against the real
20 estate license of said Respondent occurs within two (2)
21 years from the effective date of this Order, the entire stay
22 hereby granted this Order, as to said Respondent only, shall
23 become permanent.
- 24 2) The remaining seventy-five (75) days of said suspension shall
25 be stayed for two (2) years upon the following terms and
26 conditions:
- 27 a) EAGLE shall obey all laws, rules and regulations governing

1 the rights, duties and responsibilities of a real estate
2 licensee in the State of California; and,

3 b) That no final subsequent determination be made, after
4 hearing or upon stipulation, that cause for disciplinary
5 action occurred within two (2) years from the effective date
6 of this Order. Should such a determination be made, the
7 Commissioner may, in his discretion, vacate and set aside
8 the stay order and reimpose all or a portion of the stayed
9 suspension. Should no such determination be made, the stay
10 imposed herein shall become permanent.

11 3) Pursuant to Section 10148 of the Business and Professions
12 Code, EAGLE shall jointly and severally with BRADLEY pay the
13 sum of \$8,563.36 for the Commissioner's cost of the audit
14 which led to this disciplinary action. Respondents shall pay
15 such cost within forty-five (45) days of receiving an invoice
16 therefor from the Commissioner. The Commissioner may suspend
17 the EAGLE's license pending a hearing held in accordance with
18 Section 11500, et seq., of the Government Code, if payment is
19 not timely made as provided for herein, or as provided for in
20 a subsequent agreement between the Respondent and the
21 Commissioner. The suspension shall remain in effect until
22 payment is made in full or until Respondent enters into an
23 agreement satisfactory to the Commissioner to provide for
24 payment, or until a decision providing otherwise is adopted
25 following a hearing held pursuant to this condition.

26 4) Pursuant to Section 10148 of the Business and Professions
27 Code, EAGLE shall jointly and severally with BRADLEY pay the

1 Commissioner's reasonable cost, not to \$8,563.36, for an audit
2 to determine if Respondents have corrected the trust fund
3 violation(s) found in Paragraph II of the Determination of
4 Issues. In calculating the amount of the Commissioner's
5 reasonable cost, the Commissioner may use the estimated
6 average hourly salary for all persons performing audits of
7 real estate brokers, and shall include an allocation for
8 travel time to and from the auditor's place of work.
9 Respondent shall pay such cost within forty-five (45) days of
10 receiving an invoice therefor from the Commissioner detailing
11 the activities performed during the audit and the amount of
12 time spent performing those activities. The Commissioner may
13 suspend EAGLE's license pending a hearing held in accordance
14 with Section 11500, et seq., of the Government Code, if
15 payment is not timely made as provided for herein, or as
16 provided for in a subsequent agreement between Respondent and
17 the Commissioner. The suspension shall remain in effect until
18 payment is made in full or until Respondent enters into an
19 agreement satisfactory to the Commissioner to provide for
20 payment, or until a decision providing otherwise is adopted
21 following a hearing held pursuant to this condition.

22 II

23 All licenses and licensing rights of Respondent BRADLEY
24 under the Real Estate Law are suspended for a period of one
25 hundred and fifty (150) days from the effective date of this
26 Order; provided, however, that:
27

1) Seventy-five (75) days of said suspension shall be stayed,
upon the condition that BRADLEY petition pursuant to Section
10175.2 of the Business and Professions Code and pays a
monetary penalty pursuant to Section 10175.2 of the Business
and Professions Code at a rate of \$100 for each day of the
suspension for a total monetary penalty of \$7,500.

a) Said payment shall be in the form of a cashier's check or
certified check made payable to the Recovery Account of the
Real Estate Fund. Said check must be delivered to the
Department prior to the effective date of the Order in this
matter.

b) No further cause for disciplinary action against the Real
Estate licenses of said Respondent occurs within two (2)
years from the effective date of the decision in this
matter.

c) If BRADLEY fails to pay the monetary penalty as provided
above prior to the effective date of this Order, the stay of
the suspension shall be vacated as to that Respondent and
the order of suspension shall be immediately executed, under
this Order, in which event the said Respondent shall not be
entitled to any repayment nor credit, prorated or otherwise,
for the money paid to the Department under the terms of this
Order.

d) If BRADLEY pays the monetary penalty and any other moneys
due under this Stipulation and Agreement and if no further
cause for disciplinary action against the real estate

1 license of said Respondent occurs within two (2) years from
2 the effective date of this Order, the entire stay hereby
3 granted under this Order, as to said Respondent only, shall
4 become permanent.

5 2) The remaining seventy-five (75) days of said suspension shall
6 be stayed for two (2) years upon the following terms and
7 conditions:

8 a) BRADLEY shall obey all laws, rules and regulations governing
9 the rights, duties and responsibilities of a real estate
10 licensee in the State of California; and,

11 b) That no final subsequent determination be made, after
12 hearing or upon stipulation, that cause for disciplinary
13 action occurred within two (2) years from the effective date
14 of this Order. Should such a determination be made, the
15 Commissioner may, in his discretion, vacate and set aside
16 the stay order and reimpose all or a portion of the stayed
17 suspension. Should no such determination be made, the stay
18 imposed herein shall become permanent.

19 3) BRADLEY shall, within six (6) months from the effective date
20 of this Decision, take and pass the Professional
21 Responsibility Examination administered by the Department
22 including the payment of the appropriate examination fee. If
23 BRADLEY fails to satisfy this condition, the Commissioner may
24 order suspension of the license until Respondent passes the
25 examination.

26 4) BRADLEY shall, prior to the effective date of this Decision,
27 submit proof satisfactory to the Commissioner of having taken

1 and successfully completed the continuing education course on
2 trust fund accounting and handling specified in subdivision
3 (a) of Section 10170.5 of the Business and Professions Code.
4 Proof of satisfaction of this requirement includes evidence
5 that BRADLEY has successfully completed the trust fund account
6 and handling continuing education course within 120 days prior
7 to the effective date of the Decision in this matter. If
8 BRADLEY fails to satisfy this condition, the Commissioner may
9 order the suspension of BRADLEY'S license until BRADLEY
10 presents proof that she has successfully completed the trust
11 fund course.

12 5) Pursuant to Section 10148 of the Business and Professions

13 Code, BRADLEY shall jointly and severally with EAGLE pay the
14 sum of \$8,563.36 for the Commissioner's cost of the audit
15 which led to this disciplinary action. Respondent shall pay
16 such cost within forty-five (45) days of receiving an invoice
17 therefor from the Commissioner. The Commissioner may suspend
18 BRADLEY'S license pending a hearing held in accordance with
19 Section 11500, et seq., of the Government Code, if payment is
20 not timely made as provided for herein, or as provided for in
21 a subsequent agreement between the Respondent and the
22 Commissioner. The suspension shall remain in effect until
23 payment is made in full or until Respondent enters into an
24 agreement satisfactory to the Commissioner to provide for
25 payment, or until a decision providing otherwise is adopted
26 following a hearing held pursuant to this condition.

27 6) Pursuant to Section 10148 of the Business and Professions

1 Code, BRADLEY shall jointly and severally with EAGLE pay the
2 Commissioner's reasonable cost, not to exceed \$8,563.36, for
3 an audit to determine if Respondents have corrected the trust
4 fund violation(s) found in Paragraph II of the Determination
5 of Issues. In calculating the amount of the Commissioner's
6 reasonable cost, the Commissioner may use the estimated
7 average hourly salary for all persons performing audits of
8 real estate brokers, and shall include an allocation for
9 travel time to and from the auditor's place of work.
10 Respondent shall pay such cost within forty-five (45) days of
11 receiving an invoice therefor from the Commissioner detailing
12 the activities performed during the audit and the amount of
13 time spent performing those activities. The Commissioner may
14 suspend BRADLEY'S license pending a hearing held in accordance
15 with Section 11500, et seq., of the Government Code, if
16 payment is not timely made as provided for herein, or as
17 provided for in a subsequent agreement between Respondent and
18 the Commissioner. The suspension shall remain in effect until
19 payment is made in full or until Respondent enters into an
20 agreement satisfactory to the Commissioner to provide for
21 payment, or until a decision providing otherwise is adopted
22 following a hearing held pursuant to this condition.

23
24 8-Aug-06
DATED

25 
TRULY SUGHRUE
Counsel for Complainant

26 * * *

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

10 8/2/2006

11 DATED

12 EAGLE ESTATE INC.
Respondent

13 8/2/2006

14 DATED

15 FREDERICK CHARLES BRADLEY
Respondent

16 I have reviewed the Stipulation and Agreement as to
17 form and content and have advised my client accordingly.

18 8-2-06

19 DATED

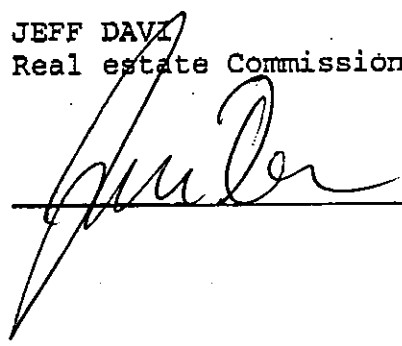
20 FRANK M. BUDA
Attorney for Respondents

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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 OCT 25 2006

IT IS SO ORDERED 10-2-06, 2006.

JEFF DAVIS
Real estate Commissioner


1 TRULY SUGHRUE, Counsel
2 State Bar No. 223266
3 Department of Real Estate
4 P.O. Box 187007
5 Sacramento, CA 95818-7007
6
7 Telephone: (916) 227-0781

FILED
MAR 27 2006

DEPARTMENT OF REAL ESTATE

[Signature]

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA.

10 * * *

11 In the Matter of the Accusation of)

No. H-3470 SD

12 EAGLE ESTATES INC., and)
13 FREDERICK CHARLES BRADLEY,)

ACCUSATION

14 Respondents.)

15 The Complainant, J. CHRIS GRAVES, a Deputy Real Estate
16 Commissioner of the State of California, for cause of Accusation
17 against EAGLE ESTATES INC., and FREDERICK CHARLES BRADLEY,
18 (hereinafter "Respondents"), are informed and alleges as follows:

19 PRELIMINARY ALLEGATIONS

20 I

21 The Complainant, J. CHRIS GRAVES, a Deputy Real Estate
22 Commissioner of the State of California, makes this Accusation in
23 his official capacity.

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26 \\\

II

Respondents are presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code (hereinafter "Code").

III

At all times herein mentioned, EAGLE ESTATES INC., (hereinafter "EAGLE") was and is licensed by the State of California Department of Real Estate (hereinafter "Department") as a real estate broker corporation.

IV

At all times herein mentioned, Respondent FREDERICK CHARLES BRADLEY, (hereinafter "BRADLEY") was and is licensed by the Department individually and as the designated broker officer of EAGLE. As said designated officer-broker, BRADLEY was and now is responsible pursuant to Section 10159.2 of the Code for the supervision of the activities of the officers, agents, real estate licensees and employees of EAGLE for which a license is required.

V

At all times herein mentioned, Respondents were performing acts requiring a real estate license for or in expectation of compensation.

FIRST CAUSE OF ACTION

VI

On or about July 7, 2004, BRADLEY prepared and submitted a written offer for the purpose of real property located at 6364 Citracado Circle, Carlsbad, California by Dr.

1 Azita Rayet (herein after "BUYER"). BRADLEY represented in said
2 offer that he was in receipt of a check in the amount of \$5,000
3 from BUYER, to be deposited in escrow within three business days
4 after acceptance of the offer.

5 VII

6 On or about July 10, 2004, BUYER accepted the
7 counteroffer.

8 VIII

9 BRADLEY's representation that he was in receipt of the
10 \$5,000 check was false. The offer was accepted, but no funds
11 were deposited into escrow.

12 IX

13 In connection with the receipt of earnest money
14 deposits, EAGLE failed to deposit the earnest money deposits
15 into a trust account or escrow within three business days in
16 conformance with Section 10145 of the Code and Section 2832 of
17 the Regulations.

18 X

19 EAGLE failed to immediately notify the Commissioner in
20 writing of salespersons entered into EAGLE's employ as required
21 by Section 10161.8 of the Code. Said salespersons included but
22 are not limited to Zema Sabra.

23 XI

24 EAGLE failed to immediately notify the Commissioner in
25 writing of salespersons terminated from EAGLE's employ as
26 required by Section 10161.8 of the Code. Said salespersons
27

1 included but are not limited to Nancy Bradley, Arthur Kirk,
2 Priscilla Leffler, Kari London, Lisa Marks, and Leslie Rhodes.

3 XII

4 BRADLEY's conduct described in Paragraph VIII above
5 constitutes the making of substantial misrepresentations, and
6 fraud or dishonest dealing, and is cause under Sections 10176(a)
7 and 11076(i) of the Code for suspension or revocation of all
8 licenses and license rights of BRADLEY.

9 XIII

10 In the alternative, BRADLEY's conduct described in Paragraph
11 VIII above constitutes the making of substantial
12 misrepresentations, and negligence or incompetence in performing
13 acts requiring a real estate license, and is cause under
14 Sections 10176(a) and 11077(g) of the Code for suspension or
15 revocation of all licenses and license rights of BRADLEY.

16 XIV

17 The facts alleged in Paragraphs IX through XI are
18 grounds for the suspension or revocation of EAGLE's licenses and
19 license rights under the following provisions of the Code:

20 (a) As to Paragraph IX under Section 10145 of the Code
21 and Section 2832 of the Regulations in conjunction with Section
22 10177(d) of the Code; and

23 (b) As to Paragraphs X and XI, under Section 10165 of
24 the Code in conjunction with Section 10161.8 of the Code and
25 Section 10177(d) of the Code in conjunction with Section 2752 of
26 the Regulations.

SECOND CAUSE OF ACTION

XV

In acting as real estate brokers, as described in Paragraph V, EAGLE accepted or received funds in trust (hereinafter "trust funds") from or on behalf of owners and tenants in connection with the leasing, renting, and collection of rents on real property or improvements thereon, as alleged herein, and thereafter from time to time made disbursements of said trust funds.

XVI

The aforesaid trust funds accepted or received by EAGLE were deposited or caused to be deposited by EAGLE into on or more bank accounts (hereinafter "trust funds accounts") maintained by EAGLE for the handling of trust funds, including but not limited to the following:

<u>TITLE AND ACCOUNT NUMBERS</u>	<u>BANK</u>
ERA Eagle Estate Realty Escrow Trust Account Account No. 9120057151 (hereinafter "Trust #1")	Union Bank of California 13219-7 Black Mountain Road San Diego, CA 92129
Eagle Estates Inc. Property Management Trust Account Account No. 790025709 (hereinafter "Trust #2")	Union Bank of California 12312 Poway Road Poway, CA 92064
Eagle Estates Inc. Property Management Trust Account Account No. 790019741 (hereinafter "Trust #3")	Union Bank of California 12312 Poway Road Poway, CA 92064

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XVII

Between on or about June 1, 2004 through January 31, 2005, in connection with the collection and disbursement of said trust funds EAGLE:

(a) Failed to deposit and maintain trust funds in Trust #2 and Trust #3 in such manner that as of January 31, 2005, there was a combined shortage of \$5,214.88 of trust funds.

(b) Failed to maintain a written control record of all trust funds received and disbursed for Trust #2 and Trust #3 containing all information required by Section 2831.

(c) Failed to reconcile the balance of separate beneficiary or transaction records with the control records of trust funds received and disbursed, from Trust #2 and Trust #3, at least once a month, and/or failed to maintain a record of such reconciliations as required by Section 2831.2 of the Regulations.

(d) Commingled with EAGLE's own money or property, the money or property of others which was received or held by Respondent in Trust #1 in violation of Section 10176(e) of the Code.

(e) Failed to deposit collected trust funds into a trust account within three business days in conformance with Section 10145 of the Code and Section 2832 of the Regulations

XVIII

In connection with the receipt and disbursement of trust funds described in Paragraph XVI above, EAGLE permitted withdrawals to be made from Trust #1 by someone other than a

1 corporate officer, or a salesperson licensed to EAGLE and
2 authorized in writing by EAGLE to withdraw said funds, or an
3 authorized unlicensed employee covered by a fidelity bond
4 indemnifying EAGLE against loss in an amount sufficient to cover
5 the maximum amount of funds to which the employee had access at
6 any time, as required by Section 2834 of the Regulations.

7 XIX

8 EAGLE failed to provide full written disclosures to all
9 principals that EAGLE has an interest in the escrows as required
10 by Section 2950(h) of the Regulations.

11 XX

12 EAGLE failed to notify the Department that Respondent
13 no longer maintained a branch office at 9912-F Carmel Mountain
14 Road, San Diego, California as required by Section 10163 of the
15 Code.

16 XXI

17 The facts alleged in above are grounds for the
18 suspension or revocation of the licenses and license rights of
19 EAGLE under the following provisions of the Code:

20 (a) As to Paragraph XVII(a) under Section 10145 of the
21 Code in conjunction with Section 10177(d) of the Code;

22 (b) As to Paragraph XVII(b) under Section 2831 of the
23 Regulations in conjunction with Section 10177(d) of the Code;

24 (c) As to Paragraph XVII(c) under Section 2831.2 of
25 the Regulations in conjunction with Section 10177(d) of the Code;
26 and

27 (d) As to Paragraph XVII(d) under Section 10176(e) of

1 the Code; and

2 (e) As to Paragraph XVII(e) under Section 10145 of the
3 Code and Section 2832 of the Regulations in conjunction with
4 Section 10177(d) of the Code; and

5 (f) As to Paragraph XVIII under Section 2832 of the
6 Regulations in conjunction with Section 10177(d) of the Code.

7 (g) As to Paragraph XIX under Section 2950(h) of the
8 Code in conjunction with Section 10177(d) of the Code.

9 (h) As to Paragraph XX under Section 10163 of the
10 Code in conjunction with Section 10177(d) of the Code.

11 THIRD CAUSE OF ACTION

12 XXII

13 BRADLEY failed to exercise reasonable supervision over
14 the acts of EAGLE in such a manner as to allow the acts and
15 events described above to occur.

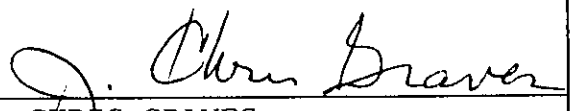
16 XXIII

17 The acts and/or omissions of BRADLEY described in
18 Paragraph XXII, constitute failure on the part of BRADLEY, as
19 designated broker-officer for EAGLE, to exercise reasonable
20 supervision and control over the licensed activities of EAGLE
21 required by Section 10159.2 of the Code.

22 XXIV

23 The facts alleged in Paragraphs XXII and XXIII, are
24 grounds from the suspension or revocation of the licenses and
25 license rights of Respondent BRADLEY under Sections 10177(g)
26 and/or 10177(h) of the Code, and Section 10177(d) of the Code in
27 conjunction with Section 10159.2 of the Code.

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

8
9 
10 J. CHRIS GRAVES
Deputy Real Estate Commissioner

11 Dated at San Diego, California,
12 this 14th day of March, 2006
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