

FILED
MAR 09 2007

DEPARTMENT OF REAL ESTATE

By Anne Shawver

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of	)	No. H-3597 SD
	)	
KIRK D. EISELE, JEFFREY NELSON	)	<u>STIPULATION AND</u>
SILL, and BRIAN ANDREW LA	)	<u>AGREEMENT</u>
PORTE,	)	
	)	
Respondents.	)	

It is hereby stipulated by and between KIRK D. EISELE (hereinafter "Respondent"), 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 September 12, 2006 in this matter:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondent 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 submitted solely on the basis of the provisions of this Stipulation and Agreement.

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

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

16 4. Without admitting the truth of the allegations
17 contained in the Accusation, Respondent stipulates that he will
18 not interpose a defense thereto. This Stipulation is based on
19 the factual allegations contained in the Accusation. In the
20 interests of expedience and economy, Respondent chooses not to
21 contest the allegations, but to remain silent, and understands
22 that, as a result thereof, these factual allegations, without
23 being admitted or denied, will serve as a basis for the
24 disciplinary action stipulated to herein. The Real Estate
25 Commissioner shall not be required to provide further evidence to
26 prove said factual allegations.

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

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 KIRK D. EISELE
17 as stipulated above violate Section 10159.2 OF THE Code in
18 conjunction with Section 10177(d) of the California Business and
19 Professions Code (hereinafter "the Code").

20 * * *

21 ORDER

22 I

23 All licenses and licensing rights of Respondent KIRK D.
24 EISELE under the Real Estate Law are suspended for a period of
25 sixty (60) days from the effective date of this Order; provided,
26 however, that:

1) Thirty (30) days of said suspension shall be stayed, upon the
condition that Respondent 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 \$50 for each day of the
suspension for a total monetary penalty of \$1,500.

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 Respondent 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
Paragraph 1 of 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 said Respondent pay 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 license of said Respondent occurs within two (2)

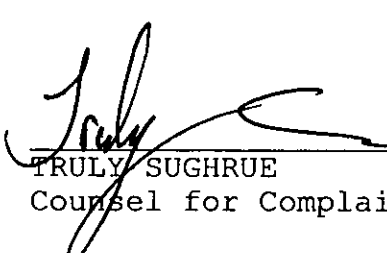
1 years from the effective date of this Order, the entire stay
2 hereby granted under Paragraph 1 of this Order, as to said
3 Respondent only, shall become permanent.

4 2) The remaining thirty (30) days of said suspension shall be
5 stayed for two (2) years upon the following terms and
6 conditions:

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

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

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21 5-Feb-07
DATED

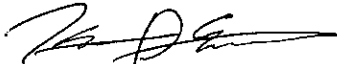
22 
TRULY SUGHRUE
Counsel for Complainant

23 * * *

24 I have read the Stipulation and Agreement, and its
25 terms are understood by me and are agreeable and acceptable to
26 me. I understand that I am waiving rights given to me by the
27 California Administrative Procedure Act, and I willingly,

1 intelligently and voluntarily waive those rights, including the
2 right of requiring the Commissioner to prove the allegations in
3 the Accusation at a hearing at which I would have the right to
4 cross-examine witnesses against me and to present evidence in
5 defense and mitigation of the charges.

6
7 2/1/07
8 DATED

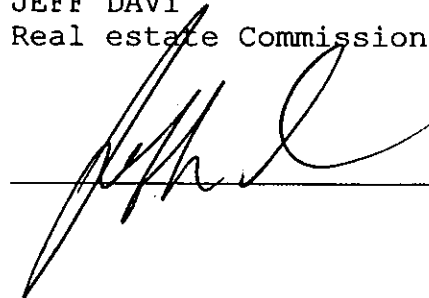

KIRK D. EISELE
Respondent

9 * * *

10 The foregoing Stipulation and Agreement is hereby
11 adopted as my Decision and shall become effective at 12 o'clock
12 noon on MAR 30 2007

13
14 IT IS SO ORDERED 3-6-, 2007.

15 JEFF DAVI
16 Real estate Commissioner

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FILED
JAN 18 2007

DEPARTMENT OF REAL ESTATE

By Conne Shawver

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)

No. H-3597 SD

KIRK D. EISLE,)

Respondent.)

ORDER GRANTING RECONSIDERATION

On December 6, 2006, a Decision was rendered in the above-entitled matter to become effective on December 27, 2006 and was stayed by separate Order to January 26, 2007.

On December 21, 2006, Respondent petitioned for reconsideration of the Decision of December 6, 2006. I find that there is good cause to reconsider said Order.

Reconsideration is hereby granted and pursuant to Section 11521(b) of the Government Code, the matter is reassigned to an Administrative Law Judge of the Office of Administrative Hearings for hearing.

This order shall be effective immediately.

Dated: 1-17-07

JEFF DAVI
Real Estate Commissioner

FILED
DEC 21 2006

DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

No. H-3597 SD

KIRK D. EISELE,

Respondent.

ORDER STAYING EFFECTIVE DATE

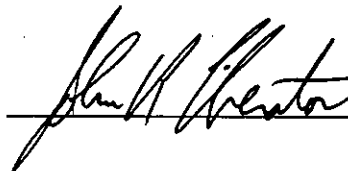
On December 6, 2006, a Decision was rendered in the above-entitled matter to become effective December 27, 2006.

IT IS HEREBY ORDERED that the effective date of the Decision of the Real Estate Commissioner as to Respondent KIRK D. EISELE only of December 6, 2006, is stayed for a period of thirty (30) days.

The Decision of the Real Estate Commissioner as to Respondent KIRK D. EISELE only of December 6, 2006, shall become effective at 12 o'clock noon on January 26, 2007.

DATED: 12/21/06

JEFF DAVI
Real Estate Commissioner



By Anna Shaver

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
)	No. H-3597 SD
KIRK D. EISELE, JEFFREY NELSON)	
SILL, and BRIAN ANDREW LA)	<u>DECISION</u>
PORTE,)	
)	
Respondents.)	
)	

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed November 13, 2006, and the findings of fact set forth herein, which are based on one or more of the following: (1) Respondents' express admissions; (2) affidavits; and (3) other evidence.

FINDINGS OF FACT

I

On August 22, 2006, J. Chris Graves made the Accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondents, and Notice of Defense were mailed, by certified mail, to Respondents' last known mailing address on file with the Department on September 12, 2006.

On November 13, 2006, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondents KIRK D. EISELE and BRIAN ANDREW LA PORTE (hereinafter "Respondents") default was entered herein.

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, Respondent KIRK D. EISELE, (hereinafter "EISELE") was and is licensed by the Department individually and as the designated broker officer of REAL ESTATE DEPOT INC., (hereinafter "REDI"). As said designated officer-broker, EISELE 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 REDI for which a license is required.

IV

At all times herein mentioned Respondent JEFFREY NELSON SILL (hereinafter "SILL") was and now is licensed by the Department as a restricted real estate salesperson, and was employed as such by REDI.

V

At all times herein mentioned Respondent BRIAN ANDREW LA PORTE (hereinafter "LA PORTE") was and now is licensed by the Department as a real estate salesperson.

VI

At all times herein mentioned, Respondents SILL and EISELE engaged in the business of, acted in the capacity of, advertised or assumed to act as a real estate broker in the State of California within the meaning of Section 10131(a) of the Code, including the operation and conduct of a real estate resale brokerage with the public wherein, on behalf of others, for compensation or in expectation of compensation, Respondents sold and offered to sell, bought and offered to buy, solicited prospective sellers and purchasers of, solicited and obtained listings of, and negotiated the purchase and resale of real property.

VII

At all times herein mentioned, Respondent LA PORTE was acting as a principal for SDVS Inc.

VIII

On or about August 21, 2004, LA PORTE, as SDVS Inc., through their agent SILL prepared and submitted a written offer for the purpose of purchasing real property located at 4478 Date Avenue, La Mesa, California by "SDVC Inc. & or Assignee".

IX

SILL represented in said offer that he was in receipt of a check in the amount of \$5,000 from BUYER, to be deposited in escrow within three business days after acceptance of the offer.

X

On or about August 23, 2004, seller, Sandra Woosley, acting through her agent Laura Lothian, accepted the offer.

XI

On or about August 23, 2004, escrow was opened at Escondido Escrow Express, but no funds were deposited.

XII

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

XIII

EISELE failed to exercise reasonable supervision over the acts of REDI and SILL in such a manner as to allow the acts and events described in Paragraphs VIII through XII to occur.

XIV

The acts and/or omissions of EISELE described in Paragraph XIII, constitute failure on the part of EISELE, as designated broker-officer for REDI, to exercise reasonable supervision and control over the licensed activities of REDI required by Section 10159.2 of the Code.

XV

LA PORTE acting as a principal, as SDVS Inc., entered into a plan and scheme with reference to said transaction, with the intent to substantially benefit himself without regard to the injury his acts would cause to the seller, of the property.

XVI

LA PORTE in connection with the preparation and submission of the written offer as described in Paragraph VIII failed to give SILL the \$5,000 deposit as indicated. In addition, LA PORTE failed to deposit the \$5,000 into escrow at Escondido Escrow Express. At no time did LA PORTE deposit any funds into escrow.

DETERMINATION OF ISSUES

I

Cause for disciplinary action against Respondent KIRK D. EISELE exists pursuant to Business and Professions Code Sections 10177(g) and 10177(H) of the Code, and Section 10177(d) of the Code in conjunction with Section 10159.2 of the Code.

II

The acts and or omissions described above constitute dishonest dealing and cause for disciplinary action against Respondent BRIAN ANDREW LA PORTE exists under Section 10177(j) of the Code.

III

The standard of proof applied was clear and convincing proof to a reasonable certainty.

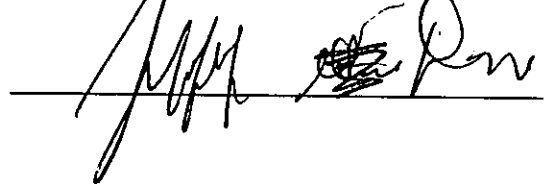
ORDER

All licenses and licensing rights of Respondents KIRK D. EISELE and BRIAN ANDREW LA PORTE, under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on DEC 27 2006

DATED: 12-6-06

JEFF DAVI
Real Estate Commissioner



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FILED
NOV 22 2006

DEPARTMENT OF REAL ESTATE

By *Carrie M. Moore*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

) No. H-3597 SD

)
) KIRK D. EISELE, JEFFREY NELSON
) SILL, and BRIAN ANDREW LA
) PORTE,
)

) STIPULATION AND
) AGREEMENT
)

) Respondents.
)

It is hereby stipulated by and between JEFFREY NELSON SILL (hereinafter "Respondent"), 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 September 12, 2006 in this matter:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondent 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 submitted solely on the basis of the provisions of this Stipulation and Agreement.

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

4 3. On October 4, 2006, Respondent filed a Notice of
5 Defense pursuant to Section 11505 of the Government Code for the
6 purpose of requesting a hearing on the allegations in the
7 Accusation. Respondent hereby freely and voluntarily withdraws
8 said Notice of Defense. Respondent acknowledges that he
9 understands that by withdrawing said Notice of Defense he will
10 thereby waive his rights to require the Commissioner to prove the
11 allegations in the Accusation at a contested hearing held in
12 accordance with the provisions of the APA, and that he will waive
13 other rights afforded to him in connection with the hearing such
14 as the right to present evidence in defense of the allegations in
15 the Accusation and the right to cross-examine witnesses.

16 4. Without admitting the truth of the allegations
17 contained in the Accusation, Respondent stipulates that he will
18 not interpose a defense thereto. This Stipulation is based on
19 the factual allegations contained in the Accusation. In the
20 interests of expedience and economy, Respondent chooses not to
21 contest the allegations, but to remain silent, and understands
22 that, as a result thereof, these factual allegations, without
23 being admitted or denied, will serve as a basis for the
24 disciplinary action stipulated to herein. The Real Estate
25 Commissioner shall not be required to provide further evidence to
26 prove said factual allegations.

27

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

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 JEFFREY NELSON
17 SILL as stipulated above violate Section 10177(g) of the
18 California Business and Professions Code (hereinafter "the
19 Code").

20 * * *

21 ORDER

22 I

23 All licenses and licensing rights of Respondent JEFFREY
24 NELSON SILL under the Real Estate Law are suspended for a period
25 of sixty (60) days from the effective date of this Order;
26 provided, however, that:
27

1) Thirty (30) days of said suspension shall be stayed, upon the condition that Respondent 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 \$50 for each day of the suspension for a total monetary penalty of \$1,500.

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 Respondent 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 Paragraph 1 of 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 said Respondent pay 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 license of said Respondent occurs within two (2)

1 years from the effective date of this Order, the entire stay
2 hereby granted under Paragraph 1 of this Order, as to said
3 Respondent only, shall become permanent.

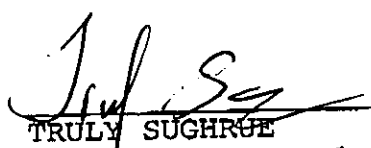
4 2) The remaining thirty (30) days of said suspension shall be
5 stayed for two (2) years upon the following terms and
6 conditions:

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

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

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

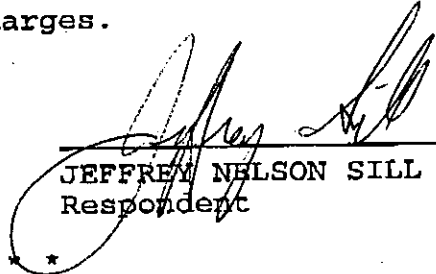
23-Oct-06
DATED


TRULY SUGHRUE
Counsel for Complainant

* * *

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

10/16/06
DATED

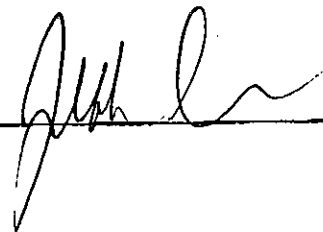

JEFFREY NELSON SILL
Respondent

* * *

The foregoing Stipulation and Agreement is hereby adopted as my Decision and shall become effective at 12 o'clock noon on DEC 12 2006.

IT IS SO ORDERED 11-21, 2006.

JEFF DAVI
Real estate Commissioner



FILED
SEP 12 2008

DEPARTMENT OF REAL ESTATE

By Aune Mawyer

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
8

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

11 In the Matter of the Accusation of)
12 KIRK D. EISELE, JEFFREY NELSON)
13 SILL, and BRIAN ANDREW LA)
14 PORTE,)
15 Respondents.)

No. H-3597 SD

ACCUSATION

16 The Complainant, J. CHRIS GRAVES, a Deputy Real Estate
17 Commissioner of the State of California, for cause of Accusation
18 against KIRK D. EISELE, JEFFREY NELSON SILL, and BRIAN ANDREW LA
19 PORTE, (hereinafter "Respondents"), are informed and alleges as
20 follows:

PRELIMINARY ALLEGATIONS

I

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

26 \\\

27 \\\

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, Respondent KIRK D. EISELE, (hereinafter "EISELE") was and is licensed by the Department individually and as the designated broker officer of REAL ESTATE DEPOT INC., (hereinafter "REDI"). As said designated officer-broker, EISELE 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 REDI for which a license is required.

IV

At all times herein mentioned Respondent JEFFREY NELSON SILL (hereinafter "SILL") was and now is licensed by the Department as a restricted real estate salesperson, and was employed as such by REDI.

V

At all times herein mentioned Respondent BRIAN ANDREW LA PORTE (hereinafter "LA PORTE") was and now is licensed by the Department as a real estate salesperson.

VI

At all times herein mentioned, Respondents SILL and EISELE engaged in the business of, acted in the capacity of, advertised or assumed to act as a real estate broker in the State of California within the meaning of Section 10131(a) of the Code,

1 including the operation and conduct of a real estate resale
2 brokerage with the public wherein, on behalf of others, for
3 compensation or in expectation of compensation, Respondents sold
4 and offered to sell, bought and offered to buy, solicited
5 prospective sellers and purchasers of, solicited and obtained
6 listings of, and negotiated the purchase and resale of real
7 property.

8 VII

9 At all times herein mentioned, Respondent LA PORTE was
10 acting as a principal for SDVS Inc.

11 FIRST CAUSE OF ACTION

12 VIII

13 On or about August 21, 2004, LA PORTE, as SDVS Inc.,
14 through their agent SILL prepared and submitted a written offer
15 for the purpose of purchasing real property located at 4478 Date
16 Avenue, La Mesa, California by "SDVC Inc. & or Assignee".

17 IX

18 SILL represented in said offer that he was in receipt
19 of a check in the amount of \$5,000 from BUYER, to be deposited in
20 escrow within three business days after acceptance of the offer.

21 X

22 On or about August 23, 2004, seller, Sandra Woosley,
23 acting through her agent Laura Lothian, accepted the offer.

24 XI

25 On or about August 23, 2004, escrow was opened at
26 Escondido Escrow Express, but no funds were deposited.
27

XII

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

XIII

Sill's conduct described in Paragraph XII above constitutes the making of substantial misrepresentations, and fraud or dishonest dealing, and is cause under Sections 10176(a) and 11076(i) of the Code for suspension or revocation of all licenses and license rights of SILL.

XIV

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

SECOND CAUSE OF ACTION

XV

LA PORTE acting as a principal, as SDVS Inc., entered into a plan and scheme with reference to said transaction, with the intent to substantially benefit himself without regard to the injury his acts would cause to the seller, of the property.

XVI

LA PORTE in connection with the preparation and submission of the written offer as described in Paragraph VIII failed to give SILL the \$5,000 deposit as indicated. In

1 addition, LA PORTE failed to deposit the \$5,000 into escrow at
2 Escondido Escrow Express. At no time did LA PORTE deposit any
3 funds into escrow.

4 XVII

5 The acts and or omissions described above constitute
6 dishonest dealing and are grounds for the suspension or
7 revocation of the licenses of LA PORTE under Section 10177(j) of
8 the Code.

9 THIRD CAUSE OF ACTION

10 XVIII

11 EISELE failed to exercise reasonable supervision over
12 the acts of REDI in such a manner as to allow the acts and events
13 described in Paragraphs VIII through XII to occur.

14 XIX

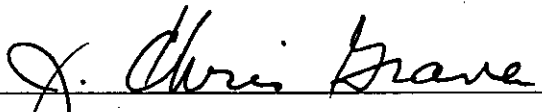
15 The acts and/or omissions of EISELE described in
16 Paragraph XXII, constitute failure on the part of EISELE, as
17 designated broker-officer for REDI, to exercise reasonable
18 supervision and control over the licensed activities of REDI
19 required by Section 10159.2 of the Code.

20 XX

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

26 WHEREFORE, Complainant prays that a hearing be
27 conducted on the allegations of this Accusation and that upon

1 proof thereof, a decision be rendered imposing disciplinary
2 action against all licenses and license rights of Respondents
3 under the Real Estate Law (Part 1 of Division 4 of the Business
4 and Professions Code), and for such other and further relief as
5 may be proper under other provisions of law.
6

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9 J. CHRIS GRAVES
Deputy Real Estate Commissioner

10 Dated at San Diego, California,
11 this 22nd day of August, 2006
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