

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation Against

AARON DANIEL LOOS,

and

BRIAN SANTOS BANIQUED,

Respondents

Case No. H-3838 SAC

OAH No. N2003070636

PROPOSED DECISION

Administrative Law Judge M. Amanda Behe, State of California, Office of Administrative Hearings, heard this matter in Sacramento, California on June 1, 2004.

Dierdre Johnson, Counsel, represented the Department of Real Estate.

There was no appearance by or on behalf of respondent Aaron Daniel Loos, although he filed a timely Notice of Defense and request for a hearing pursuant to Government Code section 11506. The matter was set for an evidentiary hearing before an Administrative Law Judge of the Office of Administrative Hearings, pursuant to Government Code section 11500 et seq. The Department gave notice to respondent of the date, time and place of the hearing, pursuant to Government Code sections 11505 and 11509. Respondent did not appear at the hearing, was not otherwise represented, and good cause was not established for that failure to appear.

The matter was heard as a default, pursuant to Government Code section 11520. Evidence was received, the record was closed and the matter was submitted on June 1, 2004.

FACTUAL FINDINGS

1. Charles W. Koenig is a Deputy Real Estate Commissioner of the State of California Department of Real Estate (hereinafter "the Department") and made and filed the Accusation against respondents Aaron Daniel Loos and Brian Santos Baniqued in his official capacity.

2. On April 2, 2004, the Accusation was dismissed against Brian Santos Baniqued (Mr. Baniqued).

3. Aaron Daniel Loos (respondent) is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code. Respondent holds salesperson license No. 01055116 which was in full force and effect at all times relevant to the Accusation.

On June 8, 2001, the license was activated in the employ of Baniqued as of June 10, 2001. On September 14, 2001, respondent was terminated from the employ of Baniqued as of September 12, 2001.

On November 8, 2001, respondent's license was activated in the employ of All Professional Realty as of October 22, 2001.

Respondent's license expired on December 17, 2003.

4. Business and Professions Code section 10177 provides that:

The commissioner may suspend or revoke the license of a real estate licensee, or may deny the issuance of a license to an applicant, who has done any of the following, or may suspend or revoke the license of a corporation, or deny the issuance of a license to a corporation, if an officer, director, or person owning or controlling 10 percent or more of the corporation's stock has done any of the following:

...

(d) Willfully disregarded or violated the Real Estate Law (Part 1 (commencing with Section 10000)) or Chapter 1 (commencing with Section 11000) of Part 2 or the rules and regulations of the commissioner for the administration and enforcement of the Real Estate Law and Chapter 1 (commencing with Section 11000) of Part 2.

5. Business and Professions Code section 10137 provides that:

It is unlawful for any licensed real estate broker to employ or compensate, directly or indirectly, any person for performing any of the acts within the scope of this chapter who is not a licensed real estate broker, or a real estate salesperson licensed under the broker employing or compensating him; provided, however, that a licensed real estate broker may pay a commission of a broker of another State.

No real estate salesman shall be employed by or accept compensation from any person other than the broker under whom he is at the time licensed.

6. From February 2 to June 10, 2001, while not in the employ of a broker, and from June 10 to about October 4, 2001, while in the employ of Baniqued, respondent used the fictitious business name "Absolute Commercial Real Estate and Property Management," and engaged in the business of, acting in the capacity of, advertised or assumed to act as a real estate broker in California within the meaning of Business and Professions Code section 10131(a), including the operation and conduct of a real estate business with the public wherein, on behalf of others and for compensation or in expectation of compensation, sold or offered to sell, bought or offered to buy, solicited prospective sellers or purchasers of, solicited or obtained listings of, or negotiated the purchase, sale or exchange of property.

7. From approximately June 2000 to June 2003 respondent, although he held only a salesperson license, engaged in the business of, acted in the capacity of, advertised or assumed to act as a real estate broker in California within the meaning of Business and Professions Code section 10131(b), including using the fictitious business name "Absolute Commercial Real Estate and Property Management," for and in expectation of compensation solicited prospective tenants for, negotiated rental agreements for and collected rents from real properties owned by another or others and otherwise managed real properties.

Specifically, respondent's property management activities included the following properties:

- a. 220 Fifth Street, West Sacramento, owned by Brian Baniqued
- b. 3639 Bellinger Court, North Highlands, owned by Luis Turincio
- c. 3227 Fourth Avenue, Sacramento, owned by Stanley Ayers, D.D.S.
- d. 3366 Lerwick Road, Sacramento, owned by Diane Borruso

8. Brian Baniqued dba Baniqued Realtors, a broker licensed by the Department, purchased a 22-unit apartment complex at 220 Fifth Street, West Sacramento, in a deal which closed at the end of May 2001. He currently has 25 agents, but in 2001 employed only four agents. In 2001 two of Mr. Baniqued's agents, George Michaelson and David Domatas, knew respondent who was managing a property for Mr. Michaelson. Both Mr. Michaelson and Mr. Domatas believed respondent was a broker from his representations and his property management activities.

On June 6, 2001, they met in Sacramento to discuss respondent managing the property and they did a "walk-through" at the apartment complex. Respondent presented a document which appeared to be a copy of a DRE printout which he had falsified to state that he was a broker. Respondent also presented a business card that stated he was the broker of "Absolute Commercial Real Estate and Property Management." Mr. Baniqued signed the property management agreement respondent presented, and respondent signed it as broker. Mr. Baniqued testified that from the website and respondent's claims he appeared to be an "aggressive full-service operation."

Mr. Baniqued wanted to expand into the Sacramento area, and agreed to have respondent as a broker-associate. In the same meeting described above he signed a Department Salesperson Change Form respondent presented. Mr. Baniqued testified that

they verbally agreed that the form would not be sent into the Department until he did "due diligence." Mr. Baniqued mistakenly believed that was the correct form because he had never previously had a broker-associate.

About June 9, 2001, Mr. Baniqued checked respondent's license status on the Department's website, which revealed that respondent was a salesperson and not a broker. Mr. Baniqued called the Department and stated that he had terminated respondent's association, and sent a letter on June 9, 2001, to that effect. He noted that the website continued to show that respondent was on his license, and he sent two additional letters to the Department to take respondent off his own license. He made calls regarding his letters and Department licensing staff indicated that they were behind in their work.

On June 1, 2001, Mr. Baniqued also called respondent immediately after he discovered that he was not a broker and stated that their agreement was terminated. Respondent without authorization continued to collect rents at Mr. Baniqued's apartment complex by directing the tenants to mail continue to mail their checks to him. Because of surgery which left him on crutches and a trip to Tennessee Mr. Baniqued, who lived and worked in Richmond, had great difficulty wresting control of his property from respondent.

9. Mr. Michaelson testified that in early 2001 he was introduced to respondent by Century 21 agent Bill Eklund. Because respondent identified himself as the owner of "Absolute Commercial Real Estate and Property Management" and the listing broker of several properties Mr. Michaelson assumed he was licensed as a broker. Respondent's business card stated he was a broker. Respondent also claimed that he knew how to deal with Sacramento government agencies and had been doing property management for twenty years. Mr. Michaelson purchased two properties respondent had listed.

In March 2001 Mr. Michaelson presented an offer by his clients, Luis and Rebecca Turincio, for property at 3639 Bellinger Court which was listed by respondent. Respondent signed the purchase agreement as broker of "Absolute Commercial Real Estate and Property Management."

In May 2001 Mr. Michaelson hired respondent to manage his investment properties in Sacramento. After a short time he experienced problems with respondent not forwarding the rents and not performing work that he claimed. Mr. Michaelson did not discover that respondent was not a broker until about September 2001, when he and Mr. Baniqued discussed that respondent had not forwarded the rents for their commercial properties and was falsely claiming he had performed repairs. Respondent stole approximately \$12,000 in rents from Mr. Michaelson, who has been unable to collect that sum because respondent thereafter filed for bankruptcy.

10. On August 17, 2001, Jesse Rosete, a salesperson with Baniqued Realtors, presented his clients' offer to buy property owned by respondent's clients Diane and James Borroso at 3366 Lerwick Road, Sacramento. Respondent listed the property on his "Absolute Commercial Real Estate and Property Management" website. Mr. Baniqued had already

notified the Department that he did not employ respondent, but the Department's website still showed that respondent was in his employ. Mr. Baniqued testified that he was alarmed when he saw the paperwork because he knew respondent was not licensed, and tried in the interests of the seller and buyer "to get Jesse to take both sides of the deal."

Respondent threatened to sue Mr. Baniqued for his expected commission. To protect the interests of the parties Mr. Baniqued had Mr. Rosete re-draft the agreement to show his firm as dual agents and provided for a commission to respondent. Finally, Mr. Baniqued convinced Mr. Rosete to cancel the transaction and find another property for his clients.

11. Stanley Ayers, D.D.S., was interested in investing in rental housing in Sacramento, and eventually purchased a four-plex at 3227 Fourth Avenue, and a 16-unit property on Las Palmas. Dr. Ayers discussed with Mr. Domatas, his real estate agent, that he needed a property manager in for those Sacramento properties. Mr. Domantas, who apparently believes that respondent was a broker, introduced respondent to Dr. Ayers as an individual who could manage his rental properties.

Respondent met with Dr. Ayers and Mr. Domantas, and provided them with a business card which identified him as a broker and bore the fictitious business name "Absolute Commercial Real Estate and Property Management." Respondent and Dr. Ayers entered the property management agreement which respondent had previously prepared and brought to their meeting. That document bore the caption "Absolute Commercial Real Estate and Property Management – Management Agreement."

Respondent obtained security deposits and rent money from the tenants but failed to forward those sums to Dr. Ayers. Respondent presented inaccurate and false documents which purported to be accountings of the sums collected and his repairs. Dr. Ayers obtained a small claims court judgment against respondent for the rent and security deposits respondent collected and failed to pay him. Respondent subsequently filed for bankruptcy. On May 3, 2004, in the U.S. Bankruptcy Court, Eastern District of California, Dr. Ayers was granted a non-dischargeable \$22,495 judgment against respondent. Respondent has failed to pay that sum.

On April 22, 2002, Dr. Ayers filed a complaint with the Department concerning respondent's representation that he was a broker and his theft of Dr. Ayers' rent and security deposit money.

12. About February 2, 2001, respondent engaged in real estate sales activities including negotiating the sale of an apartment complex owned by Joe V. Sanchez and Mary R. Sanchez at 3639 Bellinger Court, North Highlands, to Luis Turincio and Rebecca Turincio.

Mr. Turincio testified that respondent and his firm "Absolute Commercial Real Estate and Property Management" represented the seller, and that he and his wife made their offer through Mr. Michaelson. Respondent received a 3% commission as the seller's agent, thus accepting compensation from someone other than his employing broker in violation of Business and Professions Code section 10137.

The Turincios then hired respondent as "Absolute Commercial Real Estate and Property Management" to manage the property. Respondent failed to transmit the rents he obtained, and was dilatory in renting the units. The Turincios requested copies of the rental agreements and the "bills" respondent claimed to have paid, and those documents were not provided. In September 2001 Mr. Turincio traveled to Sacramento and learned from the live-in manager respondent installed that she had never completed a rental agreement or paid rent, and that respondent had just collected \$800 from a couple to move into Unit D. Respondent did not provide that sum to the owners, who were later advised by the Fair Housing Commission that the purported tenants had filed a complaint against them for discrimination. The sheriff's office persuaded the live-in manager to give the couple the keys to the unit.

Respondent repeatedly represented to the Turincios that he was employed by Baniqued Realtors, and they filed a complaint with that firm and the Department. They had to hire an attorney to evict the tenants who were not paying rent regularly, and to wrest control of the building from respondent and the woman he placed as a live-in manager. Mr. Turincio testified that respondent took more than \$5,000 of their money in addition to the costs they incurred.

13. The complaints filed by Mr. Baniqued, Mr. Turincio, and Dr. Ayers were assigned to Deputy Real Estate Commissioner Tricia Sommers for investigation. In the course of her investigation Ms. Sommers learned of respondent's website. She observed that he was using the website to solicit business for which a broker's license is required and that properties were listed for sale on his website.

On July 26, 2001, the Department sent respondent a Notice of Suspension that his license was suspended for failure to complete two specified courses required by Business and Profession Code section 10153.2. Even when his license was in active status respondent had no authority to use the fictitious business name "Absolute Commercial Real Estate and Property Management" has never been licensed by the Department.

Ms. Sommers interviewed respondent and discussed that from June 1991 to December 18, 1999, his license was suspended. Respondent stated that he had been licensed in the industry for many years, and that he used the fictitious business name "Absolute Commercial Real Estate and Property Management" because he was doing home repairs. The falsity of that claim was apparent from the business name. In addition, the FICTITIOUS BUSINESS NAME STATEMENT which respondent filed with Sacramento County on April 24, 2000, admitted that the type of business he was operating was "real estate + Prop. Management."

Ms. Sommers advised respondent that "Absolute Commercial Real Estate and Property Management" was not licensed and he could not act or operate under that name. Respondent promised to provide an accounting of the rent and security deposits he received for his principals, but failed to do so. Respondent admitted that he obtained a sales commission while representing himself as a broker.

14. Ms. Sommers was assigned to investigate the Shep Johnson complaint, which was filed regarding respondent's activities before he even met Mr. Baniqued. In the Johnson transaction respondent represented himself as a broker.

In his interview respondent represented to Ms. Sommers that in the Johnson transaction he was employed by broker Wally Cooke. Her investigation established that respondent completed the real estate purchase documents by writing that the listing broker was "Absolute Commercial Real Estate and Property Management." Respondent used that fictitious business name but the address of Wally Cooke's firm, at which he apparently was receiving mail. Wally Cooke advised Ms. Sommers that respondent had taken some continuing education courses at his firm, but he had never hired him.

Mr. Cooke completed a declaration under penalty of perjury in which he described that respondent has never been employed under his broker's license, and took courses from Sierra Seminars Real Estate School, an approved licensing school owned in part by Mr. Cooke. Mr. Cooke also provided copies of the complaint Mr. Johnson made to him, and his June 5, 2001, letter in response which stated that although respondent had asked to work there he never been employed by Cooke Realtors. Mr. Cooke wrote to respondent on the same date stating that if he made any further misrepresentations about working for Cooke Realty legal action would be taken.

15. On August 17, 2001, Jesse Rosete, a salesperson with Baniqued Realtors, presented his clients' offer to buy property owned by respondent's clients Diane and James Borroso at 3366 Lerwick Road, Sacramento. Respondent listed the property on his "Absolute Commercial Real Estate and Property Management" website.

Mr. Baniqued had already notified the Department that he did not employ respondent, but the Department's website still showed that respondent was in his employ. Respondent threatened to sue Mr. Baniqued for his expected commission, and to protect the interests of Mr. Rosete's clients Mr. Baniqued drafted a contract which showed his firm as dual agents and provided for a commission to respondent. Finally, Mr. Baniqued convinced Mr. Rosete to cancel the transaction.

Respondent had Ms. Borroso sign a "Single Party Compensation Agreement." The documents were contrary to respondent's representations to Ms. Sommers that all of his activities were performed under Mr. Baniqued's broker's license.

LEGAL CONCLUSIONS


1. Clear and convincing evidence to a reasonable certainty establishes cause for revocation of respondent's license and license rights pursuant to Business and Professions Code section 10177(d).

2. Clear and convincing evidence to a reasonable certainty established cause for revocation of respondent's license and license rights pursuant to Business and Professions Code section 10137.

ORDER

All licenses and licensing rights of respondent Aaron Daniel Loos, specifically including salesperson license No. 01055116, ARE REVOKED.

Dated: July 8, 2004



M. AMANDA BEHE
Administrative Law Judge
Office of Administrative Hearings

FILED
MAR - 2 2004

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

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

In the Matter of the Accusation of

AARON DANIEL LOOS, and
BRIAN SANTOS BANIQUED,

} Case No. H-3838 SAC

} OAH No. N-2003070636

Respondents

**SECOND CONTINUED
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

560 J STREET, SUITES 340/360

SACRAMENTO, CALIFORNIA 95814

on **JUNE 1, 2004, and JUNE 2, 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: FEBRUARY 25, 2004

By

Deidre L. Johnson
DEIDRE L. JOHNSON, Counsel

RE 501 (Rev. 8/97)

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED

OCT 27 2003

DEPARTMENT OF REAL ESTATE

By David A. Peters

In the Matter of the Accusation of

AARON DANIEL LOOS,
BRIAN SANTOS BANIQUED,

}

Case No. H-3838 SAC

OAH No. N-2003070636

Respondents

FIRST AMENDED
NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at THE OFFICE OF ADMINISTRATIVE HEARINGS, 560 J STREET, SUITE 340/360, SACRAMENTO, CA 95814 on FEBRUARY 24 & 25, 2004, at the hour of 9:00 A.M., 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

By David A. Peters
DAVID A. PETERS, Counsel

Dated: OCTOBER 27, 2003

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED

AUG - 1 2003

DEPARTMENT OF REAL ESTATE

By Laurie A. Zin

In the Matter of the Accusation of

AARON DANIEL LOOS,
BRIAN SANTOS BANIQUED,

}

Case No. H-3838 SAC

OAH No. N-2003070636

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, 560 J STREET, SUITE 340/360, SACRAMENTO, CA 95814 on OCTOBER 20 & 21, 2003, at the hour of 9:00 A.M., 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: AUGUST 1, 2003

By David A. Peters
DAVID A. PETERS, Counsel (L2)

1 DAVID A. PETERS, Counsel (SBN 99528)
2 Department of Real Estate
3 P. O. Box 187000
4 Sacramento, CA 95818-7000

5 Telephone: (916) 227-0789
6 -or- (916) 227-0781 (Direct)

FILED

JUN 12 2003

DEPARTMENT OF REAL ESTATE

By: *Laurie G. Z...*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11	In the Matter of the Accusation of)	
12	AARON DANIEL LOOS,)	No. H-3838 SAC
13	BRIAN SANTOS BANIQUED,)	<u>ACCUSATION</u>
14	Respondents.)	

15 The Complainant, Charles W. Koenig, a Deputy Real
16 Estate Commissioner of the State of California, for cause of
17 Accusation against AARON DANIEL LOOS (hereinafter "Respondent
18 LOOS") and BRIAN SANTO BANIQUED dba Baniqued Realtors and
19 Creative Funding (hereinafter "Respondent BANIQUED"), is
20 informed and alleges as follows:

21 FIRST CAUSE OF ACCUSATION

22 I

23 The Complainant, Charles W. Koenig, a Deputy Real
24 Estate Commissioner of the State of California, makes this
25 Accusation in his official capacity.

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II

Respondents LOOS and BANIQUED are licensed and/or have license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) (hereinafter "the Code") as follows:

AARON DANIEL LOOS - as a real estate salesperson.

BRIAN SANTOS BANIQUED - as a real estate broker.

III

Beginning on or about June 10, 2001 through on or about October 4, 2001, Respondent LOOS was in the employ of Respondent BANIQUED.

IV

Beginning on or before February 2, 2001 and continuing through on or before June 10, 2001, while not in the employ of a real estate broker, and beginning on or about June 10, 2001 through on or about October 4, 2001 while in the employ of Respondent BANIQUED, Respondent LOOS, a real estate salesperson using the fictitious business name "Absolute Commercial Real Estate and Property Management", 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 business with the public wherein, on behalf of others and for compensation or in expectation of compensation, sold or offered to sell, bought or offered to buy, solicited prospective sellers or purchasers of, solicited or

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1 obtained listings of, or negotiated the purchase, sale or
2 exchange of real property.

3 V

4 The real estate sales activities of Respondent LOOS
5 described in Paragraph IV above, includes but is not limited to
6 negotiating, on or about February 2, 2001, the sale of a real
7 property owned by Joe V. Sanchez and Mary R. Sanchez, commonly
8 known as 3639 Bellinger Court, North Highlands, California, to
9 Luis Turincio and Rebecca Turincio.

10 VI

11 Within the three year period immediately preceding the
12 filing of this Accusation, Respondent LOOS a real estate
13 salesperson, engaged in the business of, acted in the capacity
14 of, advertised or assumed to act a real estate broker in the
15 State of California, within the meaning of Section 10131(b) of
16 the Code, wherein Respondent LOOS, using the fictitious business
17 name "Absolute Commercial Real Estate and Property Management",
18 for or in expectation of a compensation solicited prospective
19 tenants for, negotiated rental agreements for and collected
20 rents from real properties owned by another or others and
21 otherwise managed real properties.

22 VII

23 The property management activities conducted by
24 Respondent LOOS as described in Paragraph VI above, include but
25 are not limited to, the following properties:

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PROPERTY

OWNER(S)

220 5 th Street	Brian Baniqued
West Sacramento, California	
3639 Bellinger Court	Luis Turincio
North Highlands, California	
3227 4 th Avenue	Stan Ayers
Sacramento, California	
3366 Lerwick Road	Diane Borruso
Sacramento, California	

VIII

In connection with the real estate sales activities described in Paragraphs IV and V above, and the property management activities described in Paragraphs VI and VII above, Respondent LOOS accepted compensation from someone other than Respondent LOOS' employing broker in violation of Section 10137 of the Code.

IX

The acts and/or omissions of Respondent LOOS described above are grounds for the suspension or revocation of the license and/or license rights of Respondent LOOS under the following sections of the Code:

(1) As to Paragraphs IV, V, VI, and VII, under Section 10130 of the Code in conjunction with Section 10177(d) of the Code; and

(2) As to Paragraph VIII, under Section 10137 of the Code.

///

1 establish adequate policies, rules, procedures and systems to
2 review, oversee, inspect and manage said activities.

3 XII

4 Within the three-year period immediately preceding the
5 filing of this Accusation, Respondent BANIQUED failed to have a
6 written agreement with, George Michaelson, Adolfo M. Rios, and
7 Jesse Ray Rossette, real estate salespersons employed by
8 Respondent BANIQUED as required by Section 2726 of Title 10,
9 California Code of Regulations (hereinafter "Regulations").

10 XIII

11 The acts and/or omissions of Respondent BANIQUED,
12 described in this Second Cause of Accusation, are grounds for
13 the suspension or revocation of the license and/or license
14 rights of Respondent BANIQUED under the following sections of
15 the Code and Regulations:

16 (1) As to Paragraph XI, under Section 10177(d) of the
17 Code in conjunction with Section 10177(h) of the Code and
18 Section 2725 of the Regulations. In the alternative, as to
19 Paragraph XI, under Section 10177(g) of the Code; and

20 (2) As to Paragraph XII, under Section 10177(d) of
21 the Code in conjunction with Section 2726 of the Regulations.

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