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DEPARTMENT OF REAL ESTATE

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BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)	No. H-3850 SD
)	
DANIEL ROBERT HOLBROOK,)	
)	
Respondent.)	
)	

ORDER SUSPENDING RESTRICTED REAL ESTATE LICENSE

(Continuing Education)

TO: DANIEL ROBERT HOLBROOK ("Respondent"):

On February 5, 2009, a restricted real estate salesperson license was issued by the Department of Real Estate to Respondent on the terms, conditions and restrictions set forth in the Real Estate Commissioner's Decision effective February 5, 2009, in Case No. H-3850 SD. This Decision granted the right to the issuance of a restricted real estate salesperson license subject to the provisions of Section 10156.7 of the Business and Professions Code of the State of California, and to enumerated additional terms, conditions and restrictions imposed under authority of Section 10156.6 of said Code. Among those terms, conditions and restrictions, the Decision required Respondent, within nine (9) months after February 5, 2009, the effective date

1 of the Decision, to present evidence satisfactory to the Real Estate Commissioner that
2 Respondent has, since the most recent issuance of an original or renewal real estate license, taken
3 and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of
4 the Real Estate Law for renewal of a real estate license, and provided that if Respondent failed to
5 satisfy this condition, the Commissioner may order suspension of the restricted license until
6 Respondent satisfy this condition.

7 As of November 5, 2009, Respondent has failed to submit proof satisfactory to the
8 Commissioner of satisfying this condition. The Commissioner has determined that Respondent
9 has failed to satisfy this condition, and as such, that Respondent is in violation of Section
10 10177(k) of the Business and Professions Code.

11 NOW, THEREFORE, IT IS ORDERED under authority of Section 10156.7 of the
12 Business and Professions Code of the State of California that the restricted real estate license
13 heretofore issued to Respondent and the exercise of any privileges thereunder is hereby
14 suspended until such time as Respondent provides proof satisfactory to the Commissioner that
15 Respondent has satisfied the condition, described above, or pending final determination made
16 after hearing (see "Hearing Rights" set forth below).

17 IT IS FURTHER ORDERED that all license certificates and identification cards
18 issued by the Department of Real Estate which are in the possession of Respondent be
19 immediately surrendered by personal delivery or by mailing in the enclosed self-addressed,
20 stamped envelope:

21 DEPARTMENT OF REAL ESTATE
22 ATTN: Flag Section
23 P. O. Box 187000
24 Sacramento, CA 95818-7000

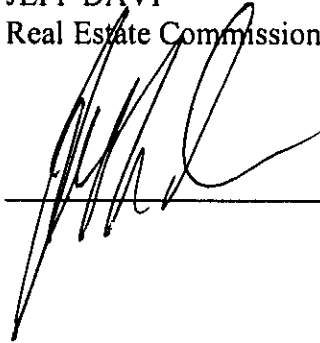
24 HEARING RIGHTS: You have the right to a hearing to contest the
25 Commissioner's determination that you are in violation of Section 10177(k). If you desire a
26 hearing, you must submit a written request. The request may be in any form, as long as it is in
27 writing and indicates that you want a hearing. Unless a written request for a hearing, signed by

1 or on behalf of you, is delivered or mailed to the Department, Legal Section, at 2201 Broadway,
2 P. O. Box 187007, Sacramento, California 95818-7007, within twenty (20) days after the date
3 that this Order was mailed to or served on you, the Department will not be obligated or required
4 to provide you with a hearing.

5 This Order shall be effective immediately.

6 DATED: 1-25-10

7 JEFF DAVI
8 Real Estate Commissioner

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Department of Real Estate
P.O. Box 187007
Sacramento, CA 95818-7007

Telephone: (916) 227-0781

FILED

JAN 15 2009

DEPARTMENT OF REAL ESTATE

By *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of

THE ATVANTAGE GROUP, INC., and
DANIEL ROBERT HOLBROOK,

Respondents.

No. H-3850 SD

STIPULATION AND
AGREEMENT

It is hereby stipulated by and between THE ATVANTAGE GROUP, INC., and DANIEL ROBERT HOLBROOK, (hereinafter "Respondents"), 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 August 13, 2008 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 (hereinafter "APA"), shall instead and in place thereof be submitted solely on the basis of the provisions of this Stipulation and Agreement.

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

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

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

20 5. This Stipulation and Respondents decision not to contest the Accusation
21 are made for the purpose of reaching an agreed disposition of this proceeding and are expressly
22 limited to this proceeding and any other proceeding or case in which the Department of Real
23 Estate (herein "the Department"), the state or federal government, an agency of this state, or an
24 agency of another state is involved.
25
26
27

1 6. It is understood by the parties that the Real Estate Commissioner may
2 adopt the Stipulation and Agreement as his decision in this matter thereby imposing the penalty
3 and sanctions on the real estate licenses and license rights of Respondents as set forth in the
4 below "Order". In the event that the Commissioner in his discretion does not adopt the
5 Stipulation and Agreement, it shall be void and of no effect, and Respondents shall retain the
6 right to a hearing and proceeding on the Accusations under all the provisions of the APA and
7 shall not be bound by any admission or waiver made herein.
8

9 7. The Order or any subsequent Order of the Real Estate Commissioner made
10 pursuant to this Stipulation and Agreement shall not constitute an estoppel, merger or bar to any
11 further administrative or civil proceedings by the Department of Real Estate with respect to any
12 matters which were not specifically alleged to be causes for accusation in this proceeding.
13

14 8. Respondent DANIEL ROBERT HOLBROOK (hereinafter "Holbrook")
15 understands that by agreeing to this Stipulation and Agreement, Holbrook agrees to pay,
16 pursuant to Section 10148 of the California Business and Professions Code, the cost of the audit
17 which resulted in the determination that Respondent committed the trust fund violation(s) found
18 in Paragraph I, below, of the Determination of Issues. The amount of said costs is \$4,856.62.
19

20 9. Respondent HOLBROOK further understands that by agreeing to this
21 Stipulation and Agreement in Settlement, the findings set forth below in the Determination Of
22 Issues become final, and that the Commissioner may charge said Respondent for the costs of
23 any audit conducted pursuant to Section 10148 of the California Business and Professions Code
24 to determine if the violations have been corrected. The maximum costs of said audit shall not
25 exceed \$4,856.62.
26
27

1 10. In lieu of proceeding in this matter in accordance with the provisions of
2 the Administrative Procedure Act (Sections 11400 et seq., of the Business and Professions
3 Code), THE ATVANTAGE GROUP, INC. (hereinafter "TAGI") wishes to voluntarily
4 surrender the corporate real estate broker license(s) issued by the Department of Real Estate
5 (hereinafter "Department"), pursuant to Business and Professions Code (hereinafter "the Code")
6 Section 10100.2. HOLBROOK is the designated broker-officer of TAGI, designated pursuant to
7 Section 10211 of the Code, and is authorized to sign this declaration on behalf of TAGI.
8
9 HOLBROOK is representing himself and is acting on behalf of TAGI.

10 11. HOLBROOK understands that by so voluntarily surrendering TAGI
11 license(s), TAGI may be relicensed as a broker corporation only by petitioning for reinstatement
12 pursuant to Section 11522 of the Government Code. HOLBROOK also understands that by so
13 voluntarily surrendering TAGI license(s), Respondents agree to the following:
14

15 A. The filing of this Stipulation and Agreement shall be deemed as
16 Respondent's TAGI declaration and petition for voluntary surrender.

17 B. It shall also be deemed to be an understanding and agreement by TAGI
18 that it waives all rights TAGI has to require the Commissioner to prove the allegations
19 contained in the Accusation filed in this matter at a hearing held in accordance with the
20 provisions of the Administrative Procedure Act (Government Code Sections 11400 et seq.), and
21 that TAGI also waives other rights afforded to TAGI in connection with the hearing such as the
22 right to discovery, the right to present evidence in defense of the allegations in the Accusation
23 and the right to cross-examine witnesses.
24

25 10. HOLBROOK on behalf of TAGI further agrees that upon acceptance by
26 the Commissioner, as evidenced by an appropriate order, all affidavits and all relevant evidence
27

1 obtained by the Department in this matter prior to the Commissioner's acceptance, and all
2 allegations contained in the Accusation filed in the Department Case No. H-3850 SD, may be
3 considered by the Department to be true and correct for the purpose of deciding whether to grant
4 relicensure or reinstatement pursuant to Government Code Section 11522.

5 11. HOLBROOK on behalf of TAGI freely and voluntarily surrenders all
6 TAGI licenses and license rights under the Real Estate Law.

7 * * *

8 DETERMINATION OF ISSUES

9
10 By reason of the foregoing stipulations and waivers and solely for the purpose of
11 settlement of the pending Accusation without a hearing, it is stipulated and agreed that the
12 following determination of issues shall be made:

13 I

14
15 The acts and omissions of Respondent TAGI as described in the Accusation are
16 grounds for the suspension or revocation of Respondents licenses and license rights under the
17 following sections of the Code and Regulations:

- 18 (a) As to Paragraph IX(a), under Sections 10145 of the Code, and Section 2832 of the
19 Commissioner's Regulations (Title 10 of the California Code of Regulations)
20 (hereinafter "the Regulations") in conjunction with Section 10177(d) of the Code;
21
22 (b) As to Paragraph IX(b), under Section 2831 of the Regulations in conjunction with
23 Section 10177(d) of the Code.
24
25 (c) As to Paragraph IX(c), under Section 2831.1 of the Regulations in conjunction
26 with Section 10177(d) of the Code.

27
*Corp Voluntarily
Surrendered
Don't give out
info as cause*

- 1 (d) As to Paragraph IX(d), under Section 2831.2 of the Regulations in conjunction
2 with Section 10177(d) of the Code.
- 3 (e) As to Paragraph X, under Section 2834 of the Regulations in conjunction with
4 Section 10177(d) of the Code.
- 5 (f) As to Paragraph XI, under Section 10240 of the Code in conjunction with Section
6 10177(d) of the Code.
- 7
8 (g) As to Paragraph XII, under Section 2950(h) of the of the Regulations in
9 conjunction with Section 10177(d) of the Code.

10 II

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

17 * * *

18 ORDER

19 I

20
21 All licenses and licensing rights of HOLBROOK under the Real Estate Law are
22 revoked; provided, however, a restricted real estate salesperson license shall be issued to
23 Respondent pursuant to Section 10156.5 of the Business and Professions Code if Respondent
24 makes application therefore and pays to the Department of Real Estate the appropriate fee for the
25 restricted license within 90 days from the effective date of this Decision. The restricted license
26 issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the Business
27

1 and Professions Code and to the following limitations, conditions and restrictions imposed under
2 authority of Section 10156.6 of that Code:

3 1. The restricted license issued to Respondent may be suspended prior to
4 hearing by Order of the Real Estate Commissioner in the event of Respondent's conviction or
5 plea of nolo contendere to a crime which is substantially related to Respondent's fitness or
6 capacity as a real estate licensee.

7
8 2. The restricted license issued to Respondent may be suspended prior to
9 hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner
10 that Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands
11 Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted
12 license.

13
14 3. Respondent shall not be eligible to apply for the issuance of an
15 unrestricted real estate license nor for removal of any of the conditions, limitations or restrictions
16 of a restricted license until two (2) years have elapsed from the effective date of this Decision.

17 4. Respondent shall submit with any application for license under an
18 employing broker, or any application for transfer to a new employing broker, a statement signed
19 by the prospective employing real estate broker on a form approved by the Department of Real
20 Estate which shall certify:

21
22 (a) That the employing broker has read the Decision of the Commissioner
23 which granted the right to a restricted license; and

24 (b) That the employing broker will exercise close supervision over the
25 performance by the restricted licensee relating to activities for which a real
26 estate license is required.
27

1 5. Respondent shall, within nine (9) months from the effective date of this
2 Order, present evidence satisfactory to the Real Estate Commissioner that Respondent has, since
3 the most recent issuance of an original or renewal real estate license, taken and successfully
4 completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate
5 Law for renewal of a real estate license. If Respondent fails to satisfy this condition, the
6 Commissioner may order the suspension of the restricted license until Respondent presents such
7 evidence. The Commissioner shall afford Respondent the opportunity for hearing pursuant to the
8 Administrative Procedure Act to present such evidence.

10 6. Pursuant to Section 10148 of the Business and Professions Code,
11 HOLBROOK shall pay the sum of \$4,856.62 for the Commissioner's cost of the audit which led
12 to this disciplinary action. Respondent shall pay such cost within forty-five (45) days of
13 receiving an invoice therefor from the Commissioner. The Commissioner may suspend the
14 Respondent's license pending a hearing held in accordance with Section 11500, et seq., of the
15 Government Code, if payment is not timely made as provided for herein, or as provided for in a
16 subsequent agreement between the Respondent and the Commissioner. The suspension shall
17 remain in effect until payment is made in full or until Respondent enters into an agreement
18 satisfactory to the Commissioner to provide for payment, or until a decision providing otherwise
19 is adopted following a hearing held pursuant to this condition.

22 7. Pursuant to Section 10148 of the Business and Professions Code,
23 HOLBROOK shall pay the Commissioner's reasonable cost, not to \$4,856.62, for an audit to
24 determine if Respondent has corrected the trust fund violation(s) found in Paragraph I of the
25 Determination of Issues. In calculating the amount of the Commissioner's reasonable cost, the
26 Commissioner may use the estimated average hourly salary for all persons performing audits of
27

1 real estate brokers, and shall include an allocation for travel time to and from the auditor's place
 2 of work. Respondent shall pay such cost within forty-five (45) days of receiving an invoice
 3 therefor from the Commissioner detailing the activities performed during the audit and the
 4 amount of time spent performing those activities. The Commissioner may suspend Respondent's
 5 license pending a hearing held in accordance with Section 11500, et seq., of the Government
 6 Code, if payment is not timely made as provided for herein, or as provided for in a subsequent
 7 agreement between Respondent and the Commissioner. The suspension shall remain in effect
 8 until payment is made in full or until Respondent enters into an agreement satisfactory to the
 9 Commissioner to provide for payment, or until a decision providing otherwise is adopted
 10 following a hearing held pursuant to this condition.
 11

12 II

13 TAGI's petition for voluntary surrender of the corporate real estate broker
 14 license(s) is accepted as of the effective date of this Order as set forth below, based upon the
 15 understanding and agreement expressed in Respondent's Declaration incorporated herein as part
 16 of this Stipulation and Agreement. Respondent's license certificate(s), pocket card(s) and any
 17 branch office license certificate(s) shall be sent to the below listed address so that they reach the
 18 Department on or before the effective date of this Order:
 19

20 DEPARTMENT OF REAL ESTATE
 21 Attn: Licensing Flag Section
 22 P. O. Box 187000
 23 Sacramento, CA 95818-7000
 24

25
 26 3-Dec-08
 27 DATED


 TRULY SUGHRUE
 Counsel for Complainant

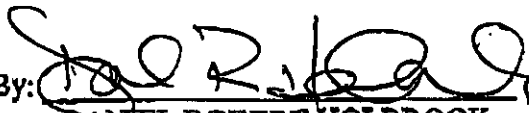


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I have read the Stipulation and Agreement, and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act, and I willingly, intelligently and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

THE ADVANTAGE GROUP, INC.
Respondent

11/24/2008
DATED

By: 
DANIEL ROBERT HOLBROOK,
Designated Broker/Officer

11/24/2008
DATED


DANIEL ROBERT HOLBROOK
Respondent

The foregoing Stipulation and Agreement is hereby adopted as my Decision and shall become effective at 12 o'clock noon on _____, 2008.

IT IS SO ORDERED _____, 2008.

JEFF DAVI
Real estate Commissioner

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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.

THE ATVANTAGE GROUP, INC.
Respondent

DATED

By: _____
DANIEL ROBERT HOLBROOK,
Designated Broker/Officer

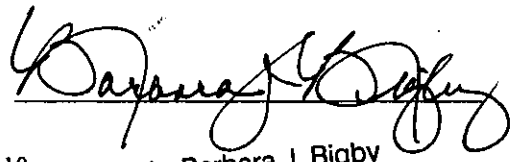
DATED

DANIEL ROBERT HOLBROOK
Respondent

The foregoing Stipulation and Agreement is hereby adopted as my Decision and shall become effective at 12 o'clock noon on FEB - 5 2009

IT IS SO ORDERED 12/30, 2008.

JEFF DAVI
Real estate Commissioner



BY: Barbara J. Bigby
Chief Deputy Commissioner

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AUG 13 2008

DEPARTMENT OF REAL ESTATE

K. Max

1 TRULY SUGHRUE, Counsel
SBN 223266
2 Department of Real Estate
P. O. Box 187007
3 Sacramento, CA 95818-7007
4 Telephone: (916) 227-0781
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7

8 BEFORE THE
9 DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)
THE ATVANTAGE GROUP, INC.) NO. H-3850 SD
13 and DANIEL ROBERT HOLBROOK,)
14) ACCUSATION
15 Respondents.)
16

17 The Complainant, JOSEPH AIU, a Deputy Real Estate
18 Commissioner of the State of California, for causes of
19 Accusation against THE ATVANTAGE GROUP, INC. and DANIEL ROBERT
20 HOLBROOK (hereafter Respondents), are informed and alleges as
21 follows:

22 PRELIMINARY ALLEGATIONS

23 I

24 Respondents THE ATVANTAGE GROUP, INC. and DANIEL
25 ROBERT HOLBROOK are presently licensed and/or have license rights
26 under the Real Estate Law, Part 1 of Division 4 of the California
27 Business and Professions Code (hereafter the Code).

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II

The Complainant, JOSEPH AIU, a Deputy Real Estate Commissioner of the State of California, makes this Accusation against Respondents in his official capacity and not otherwise.

III

At all times mentioned, Respondent THE ATVANTAGE GROUP, INC. (hereafter TAGI) was licensed by the State of California Department of Real Estate (hereafter the Department) as a real estate broker corporation.

IV

At all times mentioned, Respondent DANIEL ROBERT HOLBROOK (hereafter HOLBROOK) was licensed by the Department as an individual real estate broker, and as the designated broker officer of TAGI. As said designated officer-broker, HOLBROOK was 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 TAGI for which a license is required.

V

At all times mentioned TAGI 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:

(a) 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

1 sell, bought and offered to buy, solicited prospective sellers
2 and purchasers of, solicited and obtained listings of, and
3 negotiated the purchase and resale of real property; and

4 (b) Section 10131(d) of the Code, including the
5 operation and conduct of a mortgage loan brokerage business with
6 the public wherein Respondents solicited lenders and borrowers
7 for loans secured directly or collaterally by liens on real
8 property or a business opportunity, and wherein such loans were
9 arranged, negotiated, processed, and consummated by Respondent
10 on behalf of others for compensation or in expectation of a
11 compensation.

12 FIRST CAUSE OF ACTION

13 VI

14 Each and every allegation in Paragraphs I through V,
15 inclusive, above are incorporated by this reference as if fully
16 set forth herein.

17 VII

18 In acting as a real estate broker, as described in
19 Paragraph V, TAGI accepted or received funds in trust (hereafter
20 trust funds) from or on behalf of lenders or investors,
21 borrowers, and others in connection with the servicing,
22 solicitation, negotiation, processing, and consummation of
23 mortgage loan investments by Respondents.

24 VIII

25 The aforesaid trust funds accepted or received by
26 TAGI were deposited or caused to be deposited by TAGI into
27 one or more bank accounts (hereafter trust funds accounts)

1 maintained by Respondent for the handling of trust funds,
2 including but not limited to the following:

<u>TITLE AND ACCOUNT NUMBERS</u>	<u>BANK</u>
The Atvantage Group, Inc. Escrow Atvantage Account No. 8021083541	Wells Fargo Bank, N.A. P.O. Box 6995 Portland, OR 97228-6995

7 IX

8 In connection with the receipt and disbursement of
9 trust funds, Respondent TAGI:

- 10 (a) Failed to deposit trust funds into one or more
11 trust accounts in the name of TAGI as trustee at
12 a bank or other financial institution, in
13 conformance with Section 10145 of the Code and
14 Section 2832 of Title 10, California Code of
15 Regulations (hereafter the Regulations)
- 16 (b) Failed to maintain a written control record of
17 all trust funds received and disbursed containing
18 all information required by Section 2831 of the
19 Regulations, including but not limited to the
20 date of receipt of the trust funds, and a record
21 of trust funds received not placed in the
22 account;
- 23 (c) Failed to maintain separate beneficiary or
24 transaction records containing all information
25 required by Section 2831.1; and
- 26 (d) Failed to reconcile the balance of separate
27 beneficiary or transaction records with the

1 control record of trust funds received and
2 disbursed at least once a month, and/or failed
3 to maintain a record of such reconciliations for
4 each account as required by Section 2831.2 of
5 the Regulations.

6 X

7 At all times mentioned, TAGI authorized or permitted
8 withdrawals to be made from its bank accounts handling trust
9 funds on the signatures of Lansing E. Eberling, an officer of
10 TAGI, and Maxine Kania and Denise K. Maxey, employees of TAGI,
11 when neither of them was licensed by the Department as a real
12 estate broker or a real estate salesperson. At no time did TAGI
13 have either Eberling, Kania, and Maxey duly bonded as an
14 employee of Respondent's with the requisite fidelity bond
15 insurance coverage to conduct such trust account activities; or
16 have written authorization from HOLBROOK, pursuant to Section
17 2834 of the Regulations.

18 XI

19 In connection with the mortgage loan brokerage
20 business described in Paragraph V, TAGI violated and/or
21 willfully failed to comply with Section 10240 of the Code, in
22 that TAGI:

23 (a) failed to cause to be delivered to the borrowers
24 the Written Disclosure Statement required by Section 10241 of
25 the Code;

26 (b) failed to obtain the signature of the borrowers
27 on any Written Disclosure Statement; and/or

1 (c) failed to retain on file for a period of three
2 years a true and correct copy of any Written Disclosure
3 Statement signed by the borrowers.

4 XII

5 TAGI failed to provide full written disclosures to all
6 principals that TAGI has an interest in the escrows as required
7 by Section 2950(h) of the Regulations.

8 XIII

9 The acts and/or omissions of Respondent TAGI as
10 alleged above constitute grounds for disciplinary action under
11 the following provisions:

- 12 (a) As to Paragraph IX(a), under Sections 10145 of
13 the Code, and Section 2832 of the Regulations in
14 conjunction with Section 10177(d) of the Code;
- 15 (b) As to Paragraph IX(b), under Section 2831 of the
16 Regulations in conjunction with Section 10177(d)
17 of the Code.
- 18 (c) As to Paragraph IX(c), under Section 2831.1 of
19 the Regulations in conjunction with Section
20 10177(d) of the Code.
- 21 (d) As to Paragraph IX(d), under Section 2831.2 of
22 the Regulations in conjunction with Section
23 10177(d) of the Code.
- 24 (e) As to Paragraph X, under Section 2834 of the
25 Regulations in conjunction with Section 10177(d)
26 of the Code.
- 27

1 (f) As to Paragraph XI, under Section 10240 of the
2 Code in conjunction with Section 10177(d) of the
3 Code.

4 (g) As to Paragraph XII, under Section 2950(h) of the
5 of the Regulations in conjunction with Section
6 10177(d) of the Code.

7 SECOND CAUSE OF ACTION

8 XIV

9 Each and every allegation in Paragraphs I through XIII,
10 inclusive, above, are incorporated by this reference as if fully
11 set forth herein.

12 XV

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

16 XVI

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

22 XVII

23 The facts described in Paragraphs XIV through XVI
24 constitute cause for the suspension or revocation of the
25

26 ///

27 ///

1 licenses and license rights of Respondent HOLBROOK under Section
2 10177(g) and/or Section 10177(h) of the Code and Section 10159.2
3 of the Code in conjunction with Section 10177(d) of the Code.

4 PRIOR PROCEEDING

5 XVIII

6 Effective October 30, 2006, in Case No. H-3316 SD, the
7 real estate broker licenses of TAGI and HOLBROOK were suspended
8 for sixty (60) days, subject to stay for a period of two years
9 upon payment of a monetary penalty of \$100.00 per day for a
10 total penalty of \$3,000.00 and upon terms and conditions that
11 said stay shall become permanent if no further cause for
12 disciplinary action occurs within two (2) years of the effective
13 date of the Decision. HOLBROOK's broker license was suspended
14 for violating Section 10177(h) of the Business and Professions
15 Code for failure, as designated broker officer of corporate real
16 estate broker licensee TAGI to properly supervise the licensed
17 activities of said corporation and thereby permitting or causing
18 TAGI to violate Sections 10145, 10229(i), 10240 , and 10161.8 of
19 the Code and Sections 2831, 2831.1, 2831.2, 2832, 2834, and 2715
20 of the Regulations in conjunction with Section 10177(d) of the
21 Code.

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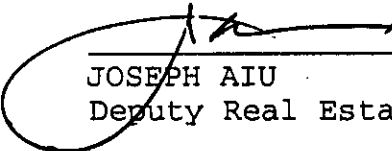
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WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof a decision be rendered imposing disciplinary action against all licenses and license rights of Respondents under the Real Estate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



JOSEPH AIU
Deputy Real Estate Commissioner

Dated at San Diego, California,
this 7 day of August, 2008.