

1 JOHN W. BARRON, Counsel (SBN 171246)  
2 Department of Real Estate  
3 P. O. Box 187007  
4 Sacramento, CA 95818-7007  
5  
6  
7  
8 Telephone: (916) 227-0789 (main)  
9 (916) 227-0792 (direct)  
10  
11

**FILED**  
JAN 15 2013

DEPARTMENT OF REAL ESTATE  
By R. Mar

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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Accusation of	)	
	)	No. H-4412 SD
WALID, INC. and	)	
MOHAMED H. AMMOURI,	)	<u>FIRST AMENDED</u>
	)	<u>ACCUSATION</u>
Respondents.	)	
	)	

The Complainant, TRICIA D. SOMMERS, in her official capacity as a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against WALID, INC., individually and doing business as "Credible Loan Modification", "Credible Realty", "New Beginnings Loan Modifications", "New Beginnings Realty", "Town Mortgage & Realty" and "Town Realty" ("WALID"); and MOHAMED H. AMMOURI, individually and doing business as "Hometown Finance", "Pacific Lenders Group" and "Town Mortgage And Realty" ("AMMOURI"), (collectively "Respondents"), is informed and alleges as follows:

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At all times relevant, WALID was licensed by the Department of Real Estate ("the Department") and/or has license rights under the Real Estate Law, Part 1 of Division 4 of

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1 the Business and Professions Code ("the Code"), as a corporate real estate broker, which license  
2 expired on March 5, 2011.

3 2

4 At all times relevant, AMMOURI was and is licensed and/or has license rights  
5 under the Code as a real estate broker. At all times relevant, AMMOURI was licensed by the  
6 Department as the designated broker/officer of WALID. As the designated broker/officer,  
7 AMMOURI was responsible, pursuant to Section 10159.2 (responsibility of corporate officer in  
8 charge) of the Code, for the supervision of the activities of the officers, agents, real estate  
9 licensees and employees of WALID for which a real estate license is required.

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11 AMMOURI currently holds a Mortgage Loan Originator License Endorsement  
12 (License Endorsement) with the Department.

13 4

14 At all times relevant, Respondents engaged in the business of, acted in the  
15 capacity of, advertised or assumed to act as a real estate broker within the State of California  
16 within the meaning of Section 10131(a) of the Code, including selling or offering to sell, buying  
17 or offer to buy, soliciting prospective sellers or purchasers of, soliciting or obtaining lists of, or  
18 negotiating the purchase, sale or exchange of real property; and Section 10131(d) of the Code,  
19 including the operation and conduct of a loan brokerage business with the public, wherein, on  
20 behalf of others, for compensation or in expectation of compensation, Respondents solicited  
21 lenders and borrowers for loans secured directly or collaterally by liens on real property, and  
22 wherein Respondents arranged, negotiated, processed and consummated such loans; and  
23 charged, demanded or collected an advance fee for any of the services offered.

24 FIRST CAUSE OF ACTION

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26 On or about October 11, 2011, and continuing intermittently through October 13,  
27 2011, an audit was conducted of Respondents at their main office located at 11610 Iberia Place,

1 Suite 210, San Diego, California, and the Department's Oakland District Office, where the  
2 auditor examined the records for the period of October 1, 2008, through September 30, 2011  
3 (the audit period).

4 6

5 While acting as a real estate broker as described in Paragraph 4, above, and  
6 within the audit period, Respondents accepted or received funds in trust (trust funds) in the  
7 course of the real estate activities described in Paragraph 4, above, and deposited or caused the  
8 funds to be deposited into a bank account maintained by Respondents, including:

9 Trust Account #1

10 Bank of America  
11 16849 Bernardo Center Drive  
12 San Diego, CA 92128

13 Account No.: XXXXX-X0210

14 Account Name: Walid Inc dba Town Mortgage & Realty  
15 Real Estate Trust Account

16 Signatories: Mohamed Ammouri

17 Bank Account #1

18 Bank of America  
19 16849 Bernardo Center Drive  
20 San Diego, CA 92128

21 Account No.: XXXXX-X6585

22 Account Name: Walid Inc dba Town Mortgage & Realty,  
23 Pacific Lenders Group

24 Signatories: Mohamed Ammouri

25 Bank Account #2

26 Bank of America  
27 16849 Bernardo Center Drive  
San Diego, CA 92128

Account No.: XXXXX-X2579

Account Name: Walid Inc dba Town Mortgage & Realty

Signatories: Mohamed Ammouri

Thereafter, from time-to-time, Respondents made disbursements of said trust funds.

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In the course of the real estate activities described in Paragraph 4, above, in connection with the collection and disbursement of trust funds:

(a) Respondents failed to maintain adequate trust records resulting in an inability by the Department's auditor to conduct a reconciliation of the adjusted bank balance to the accountability of Trust Account #1 and Bank Accounts #1 and #2. Such acts and/or omissions by Respondents violate Section 10145 (trust fund handling) of the Code.

(b) Respondents deposited advance fees they collected into Bank Accounts #1 and #2, which were not designated as trust accounts. Such acts and/or omissions by Respondents violate Sections 10145 and 10146 (deposit of advance fees into trust account) of the Code.

(c) Respondents failed to designate Bank Accounts #1 and #2 as trust accounts. Such acts and/or omissions by Respondents violate Section 10145 of the Code and Section 2832 (trust fund handling) of Title 10 of the California Code of Regulations ("the Regulations").

(d) Respondents failed to maintain adequate control records for Trust Account #1 and Bank Accounts #1 and #2. Such acts and/or omissions by Respondents violate Section 10145 of the Code and Section 2831 (trust fund records maintenance) of the Regulations.

(e) Respondents failed to maintain separate records for each beneficiary of funds held in Trust Account #1 and Bank Accounts #1 and #2. Such acts and/or

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1 omissions by Respondents violate Section 10145 of the Code and Section 2831.1  
2 (separate records for each beneficiary or transaction) of the Regulations.

3 (f) Respondents failed to maintain accurate written monthly reconciliations  
4 for the balances of all of the separate records with the control records for Trust  
5 Account #1 and Bank Accounts #1 and #2. Such acts and/or omissions by  
6 Respondents violate Section 10145 of the Code and Section 2831.2 (trust  
7 account reconciliation) of the Regulations.

8 (g) Respondents failed to retain all bank records related to its collection of  
9 trust funds, including, but not limited to, cancelled checks and bank deposit  
10 slips. Such acts and/or omissions by Respondents violate Section 10148 of the  
11 Code (retention of records).

12 (h) Respondents failed to maintain records of all trust funds received and not  
13 placed into its broker trust fund account. Such acts and/or omissions by  
14 Respondents violate Section 10145 of the Code and Section 2831(a)(6) of the  
15 Regulations.

16 (i) Respondents commingled trust funds with non-trust funds in Bank  
17 Accounts #1 and #2. Such acts and/or omissions by Respondents violate  
18 Sections 10145 and 10176(e) (commingling) of the Code and Section 2835  
19 (commingling) of the Regulations.

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21 The acts and/or omissions by Respondents as set forth in Paragraph 7, above,  
22 violate Sections 10145, 10146, 10148 and 10176(e) of the Code, and Sections 2831, 2831(a)(6),  
23 2831.1, 2831.2, 2832 and 2835 of the Regulations, and are grounds for discipline of  
24 Respondents' real estate licenses and license rights under Sections 10176(e), and 10177(d)  
25 (willful disregard/violation of real estate law) and/or 10177(g) (negligence or incompetence) of  
26 the Code. In addition, the Department is entitled to reimbursement for the costs of its audit

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1 pursuant to Section 10148(b) (cost of audit in final decision following disciplinary hearing) of  
2 the Code.

3 SECOND CAUSE OF ACTION

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5 On or about September 28, 2009, Respondents entered into agreements to  
6 provide loan modification services for Lihn H. for his real properties located at 1265 Avenida  
7 Amistad, San Marcos, California and 734 Silver Drive, Vista, California. In exchange for those  
8 loan modification services, Respondents collected an advance fee of \$2,500 from Lihn H.

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10 After receiving the advance fees from Lihn H., Respondents failed to obtain  
11 loan modifications for him. After participating in mediation, Lihn H. received repayment of  
12 \$1,250 of the advance fees from Respondents.

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14 The acts and/or omissions by Respondents as alleged in Paragraphs 9 and 10,  
15 above, violate Sections 10085.5 (collecting unauthorized advance fees) and 10085.6 (collection  
16 of advance fees) of the Code, and are grounds for discipline of Respondents' real estate licenses  
17 or license rights under Sections 10176(a) (making substantial misrepresentation), 10176(b)  
18 (making false promises likely to influence, persuade or induce), 10176(i) (fraud or dishonest  
19 dealing), and 10177(d) and/or 10177(g) of the Code, and are grounds for the discipline of  
20 Respondents' real estate licenses and license rights under Sections 10176(i), and 10177(d)  
21 and/or 10177(g) of the Code.

22 THIRD CAUSE OF ACTION

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24 On or after October 11, 2009, Respondents entered into at least 17 loan  
25 modification agreements with clients in exchange for the payment of advance fees, including:

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<u>Borrower</u>	<u>Agreement Date</u>	<u>Amount of Fees</u>
Amador	04/19/10	\$2,000
Newman	05/27/10	\$2,000
Olhoff	06/02/10	\$2,000
Kullier	02/27/11	\$2,000

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The acts and/or omissions of Respondents as alleged in Paragraph 12, above, violate Sections 10085.5 and 10085.6 of the Code, and are grounds for the discipline of Respondents' real estate licenses and license rights under Sections 10177(d) and/or 10177(g) of the Code. Such acts also violate Section 2944.7 (loan modification services – prohibition of advance fees) of the California Civil Code and are grounds for discipline under Section 10177(q) (failure to comply with Civil Code related to mortgages) of the Code.

#### FOURTH CAUSE OF ACTION

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On or about April 1, 2010, WALID's right to conduct business in the State of California was suspended by the Secretary of State of the State of California. As a result, WALID was no longer in good standing with the Secretary of State. However, WALID continued to conduct real estate activities after its right to conduct business in California had been suspended, including:

<u>Borrower</u>	<u>Agreement Date</u>	<u>Amount of Fees</u>
Amador	04/19/10	\$2,000
Newman	05/27/10	\$2,000
Olhoff	06/02/10	\$2,000
Kullier	02/27/11	\$2,000

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The acts and/or omissions of WALID, as alleged in Paragraph 14, above, violate Section 2742(c) (requirement of good standing to conduct broker activity) of the Regulations, and are grounds for discipline of WALID's real estate license and license rights under Section 10177(d) and/or 10177(g) of the Code.

FIFTH CAUSE OF ACTION

On or about July 17, 2009, Respondents submitted a Residential Purchase Agreement to Affinity Escrow Services for the real property located at 801 Ash Street, #801, San Diego, California. As a part of that purchase offer, Respondents represented that they had in their possession an earnest money check in the amount of \$4,500 from the prospective buyers of the property. In fact, Respondents did not have a deposit check from the prospective buyers at the time it submitted the purchase offer.

The acts and/or omissions of Respondents as alleged in Paragraph 16, above, violate Section 10176(a) of the Code, and are grounds for the discipline of Respondents' real estate licenses and license rights under Sections 10176(i), and 10177(d) and/or 10177(g) of the Code.

SIXTH CAUSE OF ACTION

As the designated broker officer for WALID, AMMOURI was responsible for the supervision and control of the activities conducted on behalf of WALID by its officers and employees. AMMOURI failed to exercise reasonable supervision and control over the property management activities of WALID. In particular, AMMOURI permitted, ratified and/or caused the conduct described in the First through Fifth Causes of Action, above, to occur, and failed to take reasonable steps, including, but not limited to, the handling of trust funds, supervision of

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1 employees and the implementation of policies, rules, procedures and systems to ensure  
2 compliance with the Real Estate Law and the Regulations.

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4 The acts and/or omissions of AMMOURI as set forth in Paragraph 18, above,  
5 violate Section 10159.2 of the Code and Section 2725 (broker supervision) of the Regulations,  
6 and are grounds for the discipline of AMMOURI's real estate licenses and license rights under  
7 Sections 10177(d) and/or 10177(g), and 10177(h) (reasonable broker supervision) of the Code.

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9 The facts alleged in Paragraphs 5 through 19, above, constitute cause for  
10 revocation or suspension of AMMOURI's License Endorsement under Section 10166.05(c)  
11 (Applicant Lacks Character, General Fitness to Command Confidence in Community) of the  
12 Code.

13 COST RECOVERY

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15 Section 10106 of the Code provides, in pertinent part, that in any order issued in  
16 resolution of a disciplinary proceeding before the department, the Commissioner may request  
17 the administrative law judge to direct a licensee found to have committed a violation of this part  
18 to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the  
19 case.

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1           WHEREFORE, Complainant prays that a hearing be conducted on the  
2 allegations of this Accusation and that upon proof thereof, a decision be rendered imposing  
3 disciplinary action against all licenses and license rights of Respondents under the Code, for  
4 the reasonable cost of investigation and prosecution of this case, including agency attorney's  
5 fees, and for such other and further relief as may be proper under other provisions of law.

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8 TRICIA D. SOMMERS  
9 Deputy Real Estate Commissioner

10 Dated at Sacramento, California,  
11 this 7<sup>th</sup> day of December, 2012.

1 JOHN W. BARRON, Counsel (SBN 171246)  
2 Department of Real Estate  
3 P.O. Box 187007  
Sacramento, CA 95818-7007

4 Telephone: (916) 227-0789 (main)  
5 (916) 227-0792 (direct)

**FILED**

SEP 27 2012

DEPARTMENT OF REAL ESTATE  
By R. Max

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

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12 In the Matter of the Accusation of )  
13 ) No. H-4412 SD  
14 WALID, INC. and )  
15 MOHAMED H. AMMOURI, ) ACCUSATION  
16 Respondents. )

17 The Complainant, TRICIA D. SOMMERS, in her official capacity as a Deputy  
18 Real Estate Commissioner of the State of California, for cause of Accusation against WALID,  
19 INC., individually and doing business as "Credible Loan Modification", "Credible Realty",  
20 "New Beginnings Loan Modifications", "New Beginnings Realty", "Town Mortgage & Realty"  
21 and "Town Realty" ("WALID"); and MOHAMED H. AMMOURI, individually and doing  
22 business as "Hometown Finance", "Pacific Lenders Group" and "Town Mortgage And Realty"  
23 ("AMMOURI"), (collectively "Respondents"), is informed and alleges as follows:

24 1

25 At all times relevant, WALID was licensed by the Department of Real Estate  
26 ("the Department") and/or has license rights under the Real Estate Law, Part 1 of Division 4 of

27 ///

1 the Business and Professions Code ("the Code"), as a corporate real estate broker, which license  
2 expired on March 5, 2011.

3 2

4 At all times relevant, AMMOURI was and is licensed and/or has license rights  
5 under the Code as a real estate broker. At all times relevant, AMMOURI was licensed by the  
6 Department as the designated broker/officer of WALID. As the designated broker/officer,  
7 AMMOURI was responsible, pursuant to Section 10159.2 (responsibility of corporate officer in  
8 charge) of the Code, for the supervision of the activities of the officers, agents, real estate  
9 licensees and employees of WALID for which a real estate license is required.

10 3

11 At all times relevant, Respondents engaged in the business of, acted in the  
12 capacity of, advertised or assumed to act as a real estate broker within the State of California  
13 within the meaning of Section 10131(a) of the Code, including selling or offering to sell, buying  
14 or offer to buy, soliciting prospective sellers or purchasers of, soliciting or obtaining lists of, or  
15 negotiating the purchase, sale or exchange of real property; and Section 10131(d) of the Code,  
16 including the operation and conduct of a loan brokerage business with the public, wherein, on  
17 behalf of others, for compensation or in expectation of compensation, Respondents solicited  
18 lenders and borrowers for loans secured directly or collaterally by liens on real property, and  
19 wherein Respondents arranged, negotiated, processed and consummated such loans; and  
20 charged, demanded or collected an advance fee for any of the services offered.

21 FIRST CAUSE OF ACTION

22 4

23 On or about October 11, 2011, and continuing intermittently through October 13,  
24 2011, an audit was conducted of Respondents at their main office located at 11610 Iberia Place,  
25 Suite 210, San Diego, California, and the Department's Oakland District Office, where the  
26 auditor examined the records for the period of October 1, 2008, through September 30, 2011  
27 (the audit period).

While acting as a real estate broker as described in Paragraph 3, above, and within the audit period, Respondents accepted or received funds in trust (trust funds) in the course of the real estate activities described in Paragraph 3, above, and deposited or caused the funds to be deposited into a bank account maintained by Respondents, including:

Trust Account #1

Bank of America  
16849 Bernardo Center Drive  
San Diego, CA 92128

Account No.: XXXXX-X0210

Account Name: Walid Inc dba Town Mortgage & Realty  
Real Estate Trust Account

Signatories: Mohamed Ammouri

Bank Account #1

Bank of America  
16849 Bernardo Center Drive  
San Diego, CA 92128

Account No.: XXXXX-X6585

Account Name: Walid Inc dba Town Mortgage & Realty,  
Pacific Lenders Group

Signatories: Mohamed Ammouri

Bank Account #2

Bank of America  
16849 Bernardo Center Drive  
San Diego, CA 92128

Account No.: XXXXX-X2579

Account Name: Walid Inc dba Town Mortgage & Realty

Signatories: Mohamed Ammouri

1 Thereafter, from time-to-time, Respondents made disbursements of said trust funds.

2 6

3 In the course of the real estate activities described in Paragraph 3, above, in  
4 connection with the collection and disbursement of trust funds:

5 (a) Respondents failed to maintain adequate trust records resulting in an  
6 inability by the Department's auditor to conduct a reconciliation of the adjusted  
7 bank balance to the accountability of Trust Account #1 and Bank Accounts #1  
8 and #2. Such acts and/or omissions by Respondents violate Section 10145 (trust  
9 fund handling) of the Code.

10 (b) Respondents deposited advance fees they collected into Bank Accounts  
11 #1 and #2, which were not designated as trust accounts. Such acts and/or  
12 omissions by Respondents violate Sections 10145 and 10146 (deposit of advance  
13 fees into trust account) of the Code.

14 (c) Respondents failed to designate Bank Accounts #1 and #2 as trust  
15 accounts. Such acts and/or omissions by Respondents violate Section 10145 of  
16 the Code and Section 2832 (trust fund handling) of Title 10 of the California  
17 Code of Regulations ("the Regulations").

18 (d) Respondents failed to maintain adequate control records for Trust  
19 Account #1 and Bank Accounts #1 and #2. Such acts and/or omissions by  
20 Respondents violate Section 10145 of the Code and Section 2831 (trust fund  
21 records maintenance) of the Regulations.

22 (e) Respondents failed to maintain separate records for each beneficiary of  
23 funds held in Trust Account #1 and Bank Accounts #1 and #2. Such acts and/or  
24 omissions by Respondents violate Section 10145 of the Code and Section 2831.1  
25 (separate records for each beneficiary or transaction) of the Regulations.

26 (f) Respondents failed to maintain accurate written monthly reconciliations  
27 for the balances of all of the separate records with the control records for Trust

1 Account #1 and Bank Accounts #1 and #2. Such acts and/or omissions by  
2 Respondents violate Section 10145 of the Code and Section 2831.2 (trust  
3 account reconciliation) of the Regulations.

4 (g) Respondents failed to retain all bank records related to its collection of  
5 trust funds, including, but not limited to, cancelled checks and bank deposit  
6 slips. Such acts and/or omissions by Respondents violate Section 10148 of the  
7 Code (retention of records).

8 (h) Respondents failed to maintain records of all trust funds received and not  
9 placed into its broker trust fund account. Such acts and/or omissions by  
10 Respondents violate Section 10145 of the Code and Section 2831(a)(6) of the  
11 Regulations.

12 (i) Respondents commingled trust funds with non-trust funds in Bank  
13 Accounts #1 and #2. Such acts and/or omissions by Respondents violate  
14 Sections 10145 and 10176(e) (commingling) of the Code and Section 2835  
15 (commingling) of the Regulations.

16 7

17 The acts and/or omissions by Respondents as set forth in Paragraph 6, above,  
18 violate Sections 10145, 10146, 10148 and 10176(e) of the Code, and Sections 2831, 2831(a)(6),  
19 2831.1, 2831.2, 2832 and 2835 of the Regulations, and are grounds for discipline of  
20 Respondents' real estate licenses and license rights under Sections 10176(e), and 10177(d)  
21 (willful disregard/violation of real estate law) and/or 10177(g) (negligence or incompetence) of  
22 the Code. In addition, the Department is entitled to reimbursement for the costs of its audit  
23 pursuant to Section 10148(b) (cost of audit in final decision following disciplinary hearing) of  
24 the Code.

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<u>Borrower</u>	<u>Agreement Date</u>	<u>Amount of Fees</u>
Amador	04/19/10	\$2,000
Newman	05/27/10	\$2,000
Olhoff	06/02/10	\$2,000
Kullier	02/27/11	\$2,000

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The acts and/or omissions of Respondents as alleged in Paragraph 11, above, violate Sections 10085.5 and 10085.6 of the Code, and are grounds for the discipline of Respondents' real estate licenses and license rights under Sections 10177(d) and/or 10177(g) of the Code. Such acts also violate Section 2944.7 (loan modification services – prohibition of advance fees) of the California Civil Code and are grounds for discipline under Section 10177(q) (failure to comply with Civil Code related to mortgages) of the Code.

#### FOURTH CAUSE OF ACTION

13

On or about April 1, 2010, WALID's right to conduct business in the State of California was suspended by the Secretary of State of the State of California. As a result, WALID was no longer in good standing with the Secretary of State. However, WALID continued to conduct real estate activities after its right to conduct business in California had been suspended, including:

<u>Borrower</u>	<u>Agreement Date</u>	<u>Amount of Fees</u>
Amador	04/19/10	\$2,000
Newman	05/27/10	\$2,000
Olhoff	06/02/10	\$2,000
Kullier	02/27/11	\$2,000

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The acts and/or omissions of WALID, as alleged in Paragraph 13, above, violate Section 2742(c) (requirement of good standing to conduct broker activity) of the Regulations, and are grounds for discipline of WALID's real estate license and license rights under Section 10177(d) and/or 10177(g) of the Code.

FIFTH CAUSE OF ACTION

On or about July 17, 2009, Respondents submitted a Residential Purchase Agreement to Affinity Escrow Services for the real property located at 801 Ash Street, #801, San Diego, California. As a part of that purchase offer, Respondents represented that they had in their possession an earnest money check in the amount of \$4,500 from the prospective buyers of the property. In fact, Respondents did not have a deposit check from the prospective buyers at the time it submitted the purchase offer.

The acts and/or omissions of Respondents as alleged in Paragraph 15, above, violate Section 10176(a) of the Code, and are grounds for the discipline of Respondents' real estate licenses and license rights under Sections 10176(i), and 10177(d) and/or 10177(g) of the Code.

SIXTH CAUSE OF ACTION

As the designated broker officer for WALID, AMMOURI was responsible for the supervision and control of the activities conducted on behalf of WALID by its officers and employees. AMMOURI failed to exercise reasonable supervision and control over the property management activities of WALID. In particular, AMMOURI permitted, ratified and/or caused the conduct described in the First through Fifth Causes of Action, above, to occur, and failed to take reasonable steps, including, but not limited to, the handling of trust funds, supervision of

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1 employees and the implementation of policies, rules, procedures and systems to ensure  
2 compliance with the Real Estate Law and the Regulations.

3 18

4 The acts and/or omissions of AMMOURI as set forth in Paragraph 17, above,  
5 violate Section 10159.2 of the Code and Section 2725 (broker supervision) of the Regulations,  
6 and are grounds for the discipline of AMMOURI's real estate licenses and license rights under  
7 Sections 10177(d) and/or 10177(g), and 10177(h) (reasonable broker supervision) of the Code.

8 COST RECOVERY

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10 Section 10106 of the Code provides, in pertinent part, that in any order issued in  
11 resolution of a disciplinary proceeding before the department, the Commissioner may request  
12 the administrative law judge to direct a licensee found to have committed a violation of this part  
13 to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the  
14 case.

15 WHEREFORE, Complainant prays that a hearing be conducted on the  
16 allegations of this Accusation and that upon proof thereof, a decision be rendered imposing  
17 disciplinary action against all licenses and license rights of Respondents under the Code, for  
18 the reasonable cost of investigation and prosecution of this case, including agency attorney's  
19 fees, and for such other and further relief as may be proper under other provisions of law.

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21   
22 TRICIA D. SOMMERS  
23 Deputy Real Estate Commissioner

24 Dated at Sacramento, California,  
25 this 10th day of September, 2012.  
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27