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**FILED**  
OCT 11 2012

DEPARTMENT OF REAL ESTATE  
By R. Mat

7  
8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

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11 In the Matter of the Accusation of )  
12 NATHALIE A. SWEISS, ) No. H-4419 SD  
13 Respondent. ) ACCUSATION

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15 The Complainant, VERONICA KILPATRICK, in her official capacity as a  
16 Deputy Real Estate Commissioner of the State of California, for cause of Accusation against  
17 NATHALIE A. SWEISS ("Respondent"), individually and doing business as "Divitie", is  
18 informed and alleges as follows:

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20 At all times relevant, SWEISS was licensed and/or had license rights by the  
21 Department of Real Estate ("the Department") under the Real Estate Law, Part 1 of Division 4 of  
22 the Business and Professions Code ("the Code"), as a real estate broker, which license expired on  
23 March 14, 2012.

24 FIRST CAUSE OF ACTION

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26 As of November 21, 2008, Respondent informed the Department that her main  
27 office address was 1120 Pacific Coast Highway, Suite A, Huntington Beach, CA 92648.

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At no time to the date of the filing of this Accusation has Respondent, or any other responsible party, notified the Department that her main office address has changed from 1120 Pacific Coast Highway, Suite A, Huntington Beach, CA 92648.

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On or about January 27, 2012, and January 30, 2012, an auditor from the Department's Los Angeles District Office attempted to contact Respondent at her residence telephone number, but received a message that no one was available. On those same dates, the auditor attempted to contact Respondent at a telephone number listed on a printout of the "California Estate Agents", but received a message that the telephone number was no longer in service.

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On or about January 30, 2012, the Department's auditor sent to Respondent appointment letters by certified mail to Respondent's main office and mailing addresses on record with the Department. Those letters requested Respondent appear at the Department's Los Angeles District Office on February 8, 2012. Respondent failed to appear for that appointment and did not contact the Department or its auditor prior to February 8, 2012. On or about February 10, 2012, the certified letter to Respondent's main office address was returned to the Department as undeliverable. On or about February 14, 2012, the certified letter to Respondent's mailing address was also returned to the Department as undeliverable.

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On or about February 9, 2012, the Department's auditor drove to Respondent's main office at 1120 Pacific Coast Highway, Suite A, Huntington Beach, California. Upon arrival, the auditor discovered that the location of Respondent's official address was occupied by "El Dave Law Firm". The auditor was informed by employees of "El Dave Law Firm" that they did not know Respondent or the prior occupant of the location.

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The acts and/or omissions of Respondent described in Paragraphs 2 through 6, above, violate Section 10162 of the Code (maintenance of definite place of business) and Section 2715 (notification to Department of principal place of business), Title 10, California Code of Regulations, and are grounds for the revocation or suspension of all Respondent's license and/or license rights under Sections 10177(d) (willful disregard/violation of real estate law) and/or 10177(g) (demonstrated negligence) of the Code.

SECOND CAUSE OF ACTION

As noted in Paragraph 5, above, on or about January 30, 2012, the Department's auditor sent a letter to Respondent scheduling an appointment on February 8, 2012, for the auditor to conduct an examination of Respondent's books and records related to Respondent's real estate activities. Included in that letter was a summary of the documents being requested for review, including, but not limited to, bank statements, trust fund records, salesperson's licenses and transaction files. Respondent failed to appear for the audit on the scheduled day and failed to provide the records related to her real estate activities as requested by the Department's auditor.

The acts and/or omissions of Respondent described in Paragraph 8, above, violate Section 10148 (record retention) of the Code, and are grounds for the revocation or suspension of Respondent's license and/or license rights under Sections 10177(d) and/or 10177(g) of the Code.

COST RECOVERY

Section 10106 of the Code provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Department, the Commissioner may request the Administrative Law Judge to direct a licensee found to have committed a violation of this part to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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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 Respondent under the Code, for the reasonable cost of investigation and prosecution of this case, including agency attorney's fees, and for such other and further relief as may be proper under other provisions of law.

  
VERONICA KILPATRICK  
Deputy Real Estate Commissioner

Dated at San Diego, California,  
this 9 day of October, 2012.