

FILED
MAR 20 2013

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE
By *R. M. W.*

In the Matter of the Accusation of
NATHALIE A. SWEISS,
Respondent. } No. H-4419 SD

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on January 31, 2013, and the findings of fact set forth herein, which are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and (3) other evidence.

This Decision revokes the real estate license and/or license rights of NATHALIE A. SWEISS ("Respondent") on grounds of violations of Sections 10148 (record retention), 10162 (maintenance of definite place of business), and 10177(d) (willful disregard/violation of real estate law) and/or 10177(g) (negligence) of the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code ("the Code"), and Section 2715 (notification to Department of principal place of business) of the California Code of Regulations ("the Regulations").

The right to reinstatement of a revoked real estate license is controlled by Section 11522 of the Government Code. A copy of Section 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of Respondent.

FINDINGS OF FACT

1

On October 9, 2012, Veronica Kilpatrick made the Accusation in her official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, return receipt requested, to Respondent's last known mailing addresses on file with the Department on October 11, 2012.

On January 30, 2013, no Notice of Defense having been received or filed herein within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

2

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

3

Respondent informed the Department that her main office and mailing address is 1120 Pacific Coast Highway, Suite A, Huntington Beach, CA 92648.

4

At no time prior to the date of the filing of the Accusation did Respondent, or any other responsible party, notify the Department that her main office and mailing addresses have changed from 1120 Pacific Coast Highway, Suite A, Huntington Beach, CA 92648.

5

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.

6

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.

7

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.

As noted in Paragraph 6, 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, salespersons licenses and transaction files. Respondent failed to appear for the audit on the scheduled day and failed to provide proof of retention of the records related to her real estate activities as requested by the Department's auditor.

DETERMINATION OF ISSUES

1

Cause of disciplinary action against Respondent exists with reference to the facts set out in Paragraphs 3 through 8, above, for violation of Sections 10148, 10162, and 10177(d) and/or 10177(g) of the Code, and Section 2715 of the Regulations.

2

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

ORDER

All licenses and licensing rights of Respondent NATHALIE A. SWEISS under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

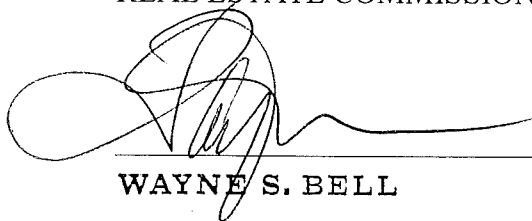
This Decision shall become effective at 12 o'clock noon on

APR 10 2013

DATED:

3/19/2013

REAL ESTATE COMMISSIONER



WAYNE S. BELL

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

4 Telephone: (916) 227-0789

FILED

JAN 31 2013

DEPARTMENT OF REAL ESTATE
By *R. Mat*

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9 STATE OF CALIFORNIA

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12 In the Matter of the Accusation of)
13)
14 NATHALIE A. SWEISS,)
15 Respondent.)

No. H-4419 SD
DEFAULT ORDER

16
17 Respondent, NATHALIE A. SWEISS, having failed to file a Notice of Defense
18 within the time required by Section 11506 of the Government Code, is now in default. It is,
19 therefore, ordered that a default be entered on the record in this matter.

20 IT IS SO ORDERED *January 30, 2013*

21 REAL ESTATE COMMISSIONER

22
23
24 By: *Dolores Weeks*
25 DOLORES WEEKS
26 Southern Regional Manager
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