

FLAG

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

FILED

SEP 23 2008

DEPARTMENT OF REAL ESTATE

By K. Mar

7 BEFORE THE DEPARTMENT OF REAL ESTATE
8 STATE OF CALIFORNIA

9 * * *

10 In the Matter of the Accusation of)
11) No. H-4871 SAC
12)
12 TIMOTHY WAYNE STRANSKE, and) STIPULATION AND
13 JANET ERLINE FORD,) AGREEMENT
13)
14 Respondents.)

15 It is hereby stipulated by and between TIMOTHY
16 WAYNE STRANSKE (hereinafter "Respondent" or "STRANSKE"),
17 and the Complainant, acting by and through Truly Sughrue,
18 Counsel for the Department of Real Estate, as follows for
19 the purpose of settling and disposing the Accusation
20 filed on October 15, 2007 in this matter:

21 1. All issues which were to be contested and all
22 evidence which was to be presented by Complainant and
23 Respondent at a formal hearing on the Accusation, which
24 hearing was to be held in accordance with the provisions of
25 the Administrative Procedure Act (APA), shall instead and
26 in place thereof be submitted solely on the basis of the
27

provisions of this Stipulation and Agreement.

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

3. Respondent filed a Notice of Defense pursuant to Section 11505 of the Government Code for the purpose of requesting a hearing on the allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent acknowledge that he understands that by withdrawing said Notice of Defense he will thereby waive his rights to require the Commissioner to prove the allegations in the Accusation at a contested hearing held in accordance with the provisions of the APA, and that he will waive other rights afforded to him in connection with the hearing such as the right to present evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses.

4. This stipulation is based on the factual allegations contained in the Accusation. In the interest of expediency and economy, Respondent chooses not to contest these factual allegations, but to remain silent and understand that, as a result thereof, these factual statements will serve as a prima facie basis for the "Determination of Issues" and "Order" set forth below. The Real Estate Commissioner shall not be required to provide

1 further evidence to prove such allegations.

2 5. This Stipulation and Respondent's decision
3 not to contest the Accusation are made for the purpose of
4 reaching an agreed disposition of this proceeding and are
5 expressly limited to this proceeding and any other
6 proceeding or case in which the Department of Real Estate
7 (hereinafter "the Department"), the state or federal
8 government, an agency of this state, or an agency of
9 another state is involved.

10 6. Respondent STRANSKE understands that by
11 agreeing to this Stipulation and Agreement, STRANSKE agrees
12 to pay, pursuant to Section 10148 of the California
13 Business and Professions Code (hereinafter "the Code"), the
14 cost of the audit which resulted in the determination that
15 Respondent committed the trust fund violation(s) found in
16 Paragraph II, below, of the Determination of Issues. The
17 amount of said costs is \$4,101.82.

18 7. STRANSKE further understands that by
19 agreeing to this Stipulation and Agreement in Settlement,
20 the findings set forth below in the Determination of Issues
21 become final and that the Commissioner may charge said
22 STRANSKE for the costs of any audit conducted pursuant to
23 Section 10148 of the Code to determine if the violations
24 have been corrected. The maximum costs of said audit shall
25 not exceed \$4,101.82.
26
27

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

12 9. The Order or any subsequent Order of the Real
13 Estate Commissioner made pursuant to this Stipulation and
14 Agreement shall not constitute an estoppel, merger or bar
15 to any further administrative or civil proceedings by the
16 Department of Real Estate with respect to any matters which
17 were not specifically alleged to be causes for accusation
18 in this proceeding.
19

20 * * *

21 DETERMINATION OF ISSUES

22 By reason of the foregoing stipulations and
23 waivers and solely for the purpose of settlement of the
24 pending Accusation without a hearing, it is stipulated and
25 agreed that the following determination of issues shall be
26 made:
27

I

The acts and omissions of Respondent STRANSKE as described in the First Cause of Action of the Accusation are grounds for the suspension or revocation of Respondent's licenses and license rights under the following sections:

(1) As to Paragraphs IX, under Section 4973(b)(1) of the California Financial Code; and

(2) As to Paragraph X, under Section 4973(k)(1) of the California Financial Code.

II

The acts and omissions of Respondent STRANSKE as described in the Second Cause of Action of the Accusation are grounds for the suspension or revocation of STRANSKE's licenses and license rights under the following sections of the Code and Regulations:

(1) As to Paragraph XIV, under Section 10177(d) of the Code in conjunction with Section 2831 of the Commissioner's Regulations (Title 10 of the California Code of Regulations) (hereinafter "the Regulations");

(2) As to Paragraph XV, under Section 10177(d) of the Code in conjunction with Section 10232.5 of the Code;

(3) As to Paragraph XVI, under Section 10177(d) of the Code in conjunction with Section 10240 of the Code;

1 (4) As to Paragraph XVII, under Section 10177(d)
2 of the Code in conjunction with Section 10232 of the Code;
3 and

4 (5) As to Paragraph XVIII, under Section
5 10177(d) of the Code in conjunction with Section 10163 of
6 the Code.

7 * * *

8 ORDER

9 I

10 All licenses and licensing rights of Respondent
11 STRANSKE under the Real Estate Law are suspended for a
12 period of one hundred (100) days from the effective date of
13 this Order; provided, however, that:

14 1) Forty (40) days of said suspension shall be stayed, upon
15 the condition that STRANSKE petition pursuant to Section
16 10175.2 of the Business and Professions Code and pays a
17 monetary penalty pursuant to Section 10175.2 of the
18 Business and Professions Code at a rate of \$250 for each
19 day of the suspension for a total monetary penalty of
20 \$10,000.

21 a) Said payment shall be in the form of a cashier's check
22 or certified check made payable to the Recovery
23 Account of the Real Estate Fund. Said check must be
24 delivered to the Department prior to the effective
25 date of the Order in this matter.
26
27

1 b) No further cause for disciplinary action against the
2 Real Estate licenses of said Respondent occurs within
3 two (2) years from the effective date of the decision
4 in this matter.

5 c) If STRANSKE fails to pay the monetary penalty as
6 provided above prior to the effective date of this
7 Order, the stay of the suspension shall be vacated as
8 to that Respondent and the order of suspension shall
9 be immediately executed, under this Order, in which
10 event the said Respondent shall not be entitled to any
11 repayment nor credit, prorated or otherwise, for the
12 money paid to the Department under the terms of this
13 Order.

14 d) If STRANSKE pays the monetary penalty and any other
15 moneys due under this Stipulation and Agreement and if
16 no further cause for disciplinary action against the
17 real estate license of said Respondent occurs within
18 two (2) years from the effective date of this Order,
19 the entire stay hereby granted under this Order, as to
20 said Respondent only, shall become permanent.

21 2) The remaining sixty (60) days of said suspension shall be
22 stayed for two (2) years upon the following terms and
23 conditions:

24 a) STRANSKE shall obey all laws, rules and regulations
25 governing the rights, duties and responsibilities of a
26 real estate licensee in the State of California; and,

27 b) That no final subsequent determination be made, after

1 hearing or upon stipulation, that cause for
2 disciplinary action occurred within two (2) years from
3 the effective date of this Order. Should such a
4 determination be made, the Commissioner may, in his
5 discretion, vacate and set aside the stay order and
6 reimpose all or a portion of the stayed suspension.
7 Should no such determination be made, the stay imposed
8 herein shall become permanent.

9 3) STRANSKE shall, prior to the effective date of this
10 Decision, submit proof satisfactory to the Commissioner
11 of having taken and successfully completed the continuing
12 education course on trust fund accounting and handling
13 specified in subdivision (a) of Section 10170.5 of the
14 Business and Professions Code. Proof of satisfaction of
15 this requirement includes evidence that STRANSKE has
16 successfully completed the trust fund account and
17 handling continuing education course within 120 days
18 prior to the effective date of the Decision in this
19 matter. If STRANSKE fails to satisfy this condition, the
20 Commissioner may order the suspension of STRANSKE's
21 license until STRANSKE presents proof that she has
22 successfully completed the trust fund course.

23 4) Pursuant to Section 10148 of the Business and Professions
24 Code, STRANSKE shall pay the sum of \$4,101.82 for the
25 Commissioner's cost of the audit which led to this
26 disciplinary action. Respondent shall pay such cost
27 within sixty (60) days of receiving an invoice therefore

1 from the Commissioner. The Commissioner may suspend
2 STRANSKE's license pending a hearing held in accordance
3 with Section 11500, et seq., of the Government Code, if
4 payment is not timely made as provided for herein, or as
5 provided for in a subsequent agreement between the
6 Respondent and the Commissioner. The suspension shall
7 remain in effect until payment is made in full or until
8 Respondent enters into an agreement satisfactory to the
9 Commissioner to provide for payment, or until a decision
10 providing otherwise is adopted following a hearing held
11 pursuant to this condition.

12 5) Pursuant to Section 10148 of the Business and Professions

13 Code, STRANSKE shall pay the Commissioner's reasonable
14 cost, not to exceed \$4,101.82, for an audit to determine
15 if Respondent has corrected the trust fund violation(s)
16 found in Paragraph II of the Determination of Issues. In
17 calculating the amount of the Commissioner's reasonable
18 cost, the Commissioner may use the estimated average
19 hourly salary for all persons performing audits of real
20 estate brokers, and shall include an allocation for
21 travel time to and from the auditor's place of work.

22 Respondent shall pay such cost within sixty (60) days of
23 receiving an invoice therefore from the Commissioner
24 detailing the activities performed during the audit and
25 the amount of time spent performing those activities.

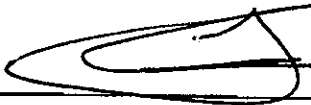
26 The Commissioner may suspend STRANSKE's license pending a
27 hearing held in accordance with Section 11500, et seq.,

1 of the Government Code, if payment is not timely made as
2 provided for herein, or as provided for in a subsequent
3 agreement between Respondent and the Commissioner. The
4 suspension shall remain in effect until payment is made
5 in full or until Respondent enters into an agreement
6 satisfactory to the Commissioner to provide for payment,
7 or until a decision providing otherwise is adopted
8 following a hearing held pursuant to this condition.

26-Aug-06
DATED
TRULY SUGHRUE
Counsel for Complainant

* * *

13 I have read the Stipulation and Agreement,
14 discussed it with my counsel, and its terms are understood
15 by me and are agreeable and acceptable to me. I understand
16 that I am waiving rights given to me by the California
17 Administrative Procedure Act, and I willingly,
18 intelligently and voluntarily waive those rights, including
19 the right of requiring the Commissioner to prove the
20 allegations in the Accusation at a hearing at which I would
21 have the right to cross-examine witnesses against me and to
22 present evidence in defense and mitigation of the charges.
23

8/7/2008
DATED
TIMOTHY WAYNE STRANSKE
Respondent

* * *

The foregoing Stipulation and Agreement is hereby
adopted as my Decision and shall become effective at 12
o'clock noon on OCT 14 2008

IT IS SO ORDERED 9-22-08
2008.

JEFF DAVI
Real estate Commissioner



BY: Barbara J. Bigby
Chief Deputy Commissioner

FLAG

Department of Real Estate
P.O. Box 187007
Sacramento, CA 95818-7007
Telephone: (916) 227-0781

FILED

SEP 11 2008

DEPARTMENT OF REAL ESTATE

By K. Max

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of	)	No. H-4871 SAC
	)	
TIMOTHY WAYNE STRANSKE, and	)	<u>STIPULATION AND</u>
<u>JANET ERLINE FORD,</u>	)	<u>AGREEMENT</u>
	)	
Respondents.	)	

It is hereby stipulated by and between JANET ERLINE FORD (hereinafter "Respondent" or "FORD"), 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 October 15, 2007 in this matter:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing was to be held in accordance with the provisions of the Administrative Procedure Act (APA), shall instead and in place thereof be submitted solely on the basis of the

provisions of this Stipulation and Agreement.

2. Respondent has received, read and understands the Statement to Respondent, and the Discovery Provisions of the APA filed by the Department of Real Estate in this proceeding.

3. Respondent filed a Notice of Defense pursuant to Section 11505 of the Government Code for the purpose of requesting a hearing on the allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent acknowledges that she understands that by withdrawing said Notice of Defense she will thereby waive her rights to require the Commissioner to prove the allegations in the Accusation at a contested hearing held in accordance with the provisions of the APA, and that she will waive other rights afforded to her in connection with the hearing such as the right to present evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses.

4. This stipulation is based on the factual allegations contained in the Accusation. In the interest of expediency and economy, Respondent chooses not to contest these factual allegations, but to remain silent and understand that, as a result thereof, these factual statements will serve as a prima facie basis for the "Determination of Issues" and "Order" set forth below. The Real Estate Commissioner shall not be required to provide

1 further evidence to prove such allegations.

2 5. This Stipulation and Respondent's decision
3 not to contest the Accusation are made for the purpose of
4 reaching an agreed disposition of this proceeding and are
5 expressly limited to this proceeding and any other
6 proceeding or case in which the Department of Real Estate
7 (hereinafter "the Department"), the state or federal
8 government, an agency of this state, or an agency of
9 another state is involved.

10 6. It is understood by the parties that the Real
11 Estate Commissioner may adopt the Stipulation and Agreement
12 as his decision in this matter thereby imposing the penalty
13 and sanctions on the real estate licenses and license
14 rights of Respondent as set forth in the below "Order". In
15 the event that the Commissioner in his discretion does not
16 adopt the Stipulation and Agreement, it shall be void and
17 of no effect, and Respondent shall retain the right to a
18 hearing and proceeding on the Accusation under all the
19 provisions of the APA and shall not be bound by any
20 admission or waiver made herein.

21 9. The Order or any subsequent Order of the Real
22 Estate Commissioner made pursuant to this Stipulation and
23 Agreement shall not constitute an estoppel, merger or bar
24 to any further administrative or civil proceedings by the
25 Department of Real Estate with respect to any matters which
26
27

1 were not specifically alleged to be causes for accusation
2 in this proceeding.

3 * * *

4 DETERMINATION OF ISSUES

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

10 I

11 The acts and omissions of Respondent JANET ERLINE
12 FORD as described in the First Cause of Action of the
13 Accusation are grounds for the suspension or revocation of
14 Respondent's licenses and license rights under the
15 following sections:

16 (1) As to Paragraphs IX, under Section
17 4973(b)(1) of the California Financial Code; and

18 (2) As to Paragraph X, under Section 4973(k)(1)
19 of the California Financial Code.

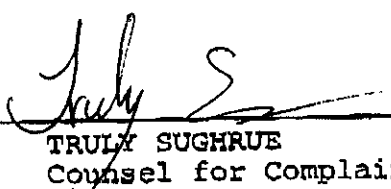
20 * * *

21 ORDER

22 I

23 All licenses and licensing rights of Respondent FORD
24 under the Real Estate Law are suspended for a period of
25 sixty (60) days from the effective date of this Order;
26 provided, however, that:
27

- 1) Sixty (60) days of said suspension shall be stayed for
two (2) years upon the following terms and conditions:
- a) FORD shall obey all laws, rules and regulations
governing the rights, duties and responsibilities of a
real estate licensee in the State of California; and,
- b) That no final subsequent determination be made, after
hearing or upon stipulation, that cause for
disciplinary action occurred within two (2) years from
the effective date of this Order. Should such a
determination be made, the Commissioner may, in his
discretion, vacate and set aside the stay order and
reimpose all or a portion of the stayed suspension.
Should no such determination be made, the stay imposed
herein shall become permanent.

10-April-08
DATED
TRULY SUGHRUE
Counsel for Complainant

* * *

I have read the Stipulation and Agreement,
discussed it with my counsel, 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

- 5 -

H-4871 SAC
Ford
04/07/08

1 have the right to cross-examine witnesses against me and to
2 present evidence in defense and mitigation of the charges.

3
4
5 4/8/08
6 DATED

Janet Erlene Ford
JANET ERLENE FORD
Respondent

7 * * *

8 The foregoing Stipulation and Agreement is hereby
9 adopted as my Decision and shall become effective at 12
10 o'clock noon on OCT - 2 2008

11 IT IS SO ORDERED 9-10-08
12 2008.

13
14 JEFF DAVI
15 Real estate Commissioner
16
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1 TRULY SUGHRUE, Counsel
2 State Bar No. 223266
3 Department of Real Estate
4 P.O. Box 187007
5 Sacramento, CA 95818-7007
6
7 Telephone: (916) 227-0781

FILED
OCT 15 2007

DEPARTMENT OF REAL ESTATE

By Anne Shawver

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 TIMOTHY WAYNE STRANSKE, and)
13 JANET ERLINE FORD,)
14 Respondent.)

No. H-4871 SAC

ACCUSATION

15
16 The Complainant, CHARLES W. KOENIG, a Deputy Real
17 Estate Commissioner of the State of California, for cause of
18 Accusation against TIMOTHY WAYNE STRANSKE, and JANET ERLINE FORD
19 (hereinafter "Respondents"), is informed and alleges as follows:

20 PRELIMINARY ALLEGATIONS

21 I

22 The Complainant, CHARLES W. KOENIG, a Deputy Real
23 Estate Commissioner of the State of California, makes this
24 Accusation in his official capacity.

25 ///

26 ///

II

Respondents are presently 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").

III

At all times herein mentioned, Respondent TIMOTHY WAYNE STRANSKE (hereinafter "STRANSKE") was and is licensed by the Department of Real Estate (hereafter the Department) as a real estate broker.

IV.

At all times herein mentioned, Respondent JANET ERLENE FORD (hereinafter "FORD") was and is licensed by the Department of Real Estate (hereafter the Department) as a real estate salesperson.

V

At all times herein mentioned, Respondents engaged in the business of, acted in the capacity of, advertised or assumed to act as real estate brokers in the State of California within the meaning of Section 10131(d) of the Code, including the operation and conduct of a mortgage loan brokerage business with the public wherein Respondents solicited lenders and borrowers for loans secured directly or collaterally by liens on real property or a business opportunity, and wherein such loans were arranged, negotiated, processed, and consummated by Respondent on

1 behalf of others for compensation or in expectation of a
2 compensation.

3 FIRST CAUSE OF ACTION

4 VI

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

8 VII

9 At all times herein mentioned, for or in expectation
10 of compensation, on behalf of another or others, Respondents
11 solicited for loans secured directly or collaterally by liens on
12 real property, wherein such loans were arranged, negotiated,
13 processed, and consummated and/or wherein such loans were
14 serviced and payments thereon were collected, including, but not
15 limited to, the following transaction:

16 (A) Real Property: 3715 Pine Avenue and 3708 State
17 Highway 53, Clearlake, California

18 Agent: FORD

19 Borrower: Brenda Dern

20 Purpose of Property: Borrowers' primary residence

21 Purpose of Loan: Purchase.

22 Loan Amount: \$90,000.00.

23 Closing Date: 12/6/04.

24 Annual Percentage Rate: 13.09%.

25 Interest Only Installments: \$900.00 per month
26
27

1 Term: 60 months.

2 Balloon Payment: \$90,900.00 due 12/1/09

3 VIII

4 The loan set forth in Paragraph VII is a "covered loan"
5 within the meaning of Section 4970 of the Financial Code.

6 IX

7 The loan set forth in Paragraph VII violated Section
8 4973(b)(1) of the Financial Code in that the loan covered a term
9 of five years or less and provided at origination for a payment
10 schedule with regular periodic payments that when aggregated did
11 not fully amortize the principal balance as of the maturity date
12 of the loan.

13 X

14 The loan set forth in Paragraph VII violated Section
15 4973(k)(1) of the Financial Code in that Respondent failed to
16 provide the "Consumer Caution and Home Ownership Counseling
17 Notice" to the borrower no later than three business days prior
18 to signing of the loan documents.
19

20 XI

21 Respondents originated the loan set forth in Paragraph VII
22 financing points and fees in excess of \$1,000.00 or 6 percent of
23 the original principal balance, exclusive of points and fees, in
24 violation of Section 4979.6 of the Financial Code.

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26 \\

XII

The acts and/or omissions of Respondents as described in the First Cause of Action are grounds for the suspension or revocation of Respondents' STRANSKE AND FORD's licenses and license rights under Sections 4975(a)(1), 4975(k)(1) and 4979.6 of the Financial Code.

SECOND CAUSE OF ACTION

XIII

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

XIV

Between on or about October 1, 2004 through July 31, 2007, STRANSKE failed to maintain a written control record of all trust funds received and disbursed containing all information required by Section 2831 of the Commissioner's Regulations (Title 10 of the Code of Regulations) (hereinafter "the Regulations").

XV

In so acting as a mortgage loan broker as set forth in Paragraph V, STRANSKE, failed to provide, in accordance with Section 10232.5(a)(2) of the Code, the lender purchaser disclosure statement containing an estimated fair market value of the securing property as determined by an appraisal, or obtain a

1 waiver of the requirement of an independent appraisal in writing
2 in the following transaction:

3 1.) Real Property: 3715 Pine Avenue and 3708 State
4 Highway 53, Clearlake, California

5 Lender: Renee Chinguapin

6 Loan Amount: \$90,000.00

7 XVI

8 In connection with the mortgage loan brokerage
9 business described in Paragraph V, STRANSKE violated and/or
10 willfully failed to comply with Section 10240 of the Code, in
11 that STRANSKE:

12 (a) failed to cause to be delivered to the borrowers
13 the written Disclosure Statement required by Section 10241 of
14 the Code;

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

17 (c) failed to retain on file for a period of three
18 years a true and correct copy of any Written Disclosure
19 Statement signed by the borrowers.
20

21 XVII

22 During 2006, STRANSKE negotiated a combination of ten
23 or more qualifying mortgage loan transactions in an aggregate
24 amount of more than one million dollars under Section 10232 of
25 the Code and failed to notify the Department within thirty days
26 thereafter.
27

XVIII

Respondent maintained a branch office at 16251 Highway 1, Fort Bragg, California and 218 South Humbolt Street, Willits, California without obtaining a branch license as required by Section 10163 of the Code.

XIX

The facts alleged in the Second Cause of Action are grounds for the suspension or revocation of Respondents licenses and license rights under the following sections of the Code and Regulations:

(1) As to Paragraph XIV, under Section 10177(d) of the Code in conjunction with Section 2831 of the Regulations;

(2) As to Paragraph XV, under Section 10177(d) of the Code in conjunction with Section 10232.5 of the Code;

(3) As to Paragraph XVI, under Section 10177(d) of the Code in conjunction with Section 10240 of the Code;

(4) As to Paragraph XVII, under Section 10177(d) of the Code in conjunction with Section 10232 of the Code; and

(5) As to Paragraph XVIII, under Section 10177(d) of the Code in conjunction with Section 10163 of the Code.

THIRD CAUSE OF ACTION

XX

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

XXI

Between on or about November 29, 2004 and December 6, 2004, FORD, acting as an agent of Brenda Dern, solicited and obtained a loan in the amount of \$90,000 from Renee Chinguapin to be secured by an encumbrance on the property located at 3715 Pine Avenue and 3708 State Highway 53, Clearlake, California by representing, contrary to fact, that the appraised value of the property was \$165,000. FORD knew this representation was false at the time made, and knew in truth no appraisal had been done on the property.

XXII

The acts and omissions of FORD as described above constitute fraud and/or dishonest dealing, and constitute cause to suspend or revoke all licenses and license rights of Respondent pursuant to the provisions of Sections 10176(a), 10176(i), and/or 10177(j) of the Code.

XXIII

In the alternative, FORD's conduct described as above constitutes negligence or incompetence in performing acts requiring a real estate license, and is cause under Section 10177(g) of the Code for suspension or revocation of all licenses and license rights of Respondent.

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

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10 
11 CHARLES W. KOENIG
12 Deputy Real Estate Commissioner

13 Dated at Sacramento, California,
14 this 15th day of October, 2007
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