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**FILED**  
AUG 18 2011  
DEPARTMENT OF REAL ESTATE  
By [Signature]

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 ) NO: H-5670 SAC  
13 ARBOUR REAL ESTATE )  
14 MANAGEMENT, INC. ) ACCUSATION  
15 Respondent. )

16 The Complainant, TRICIA D. SOMMERS, acting in her official capacity as a  
17 Deputy Real Estate Commissioner of the State of California, for Accusation against  
18 Respondents ARBOUR REAL ESTATE MANAGEMENT, INC. (herein "Respondent") is  
19 informed and alleges as follows:

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21 Respondent is presently licensed by the Department of Real Estate (herein "the  
22 Department") and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the  
23 Business and Professions Code (herein "the Code") as a corporate real estate broker, and at all  
24 times relevant herein was acting by and through Lambert Munz (hereinafter "MUNZ") as its  
25 designated broker officer.

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At all times herein mentioned, MUNZ was licensed and/or had license rights under the Real Estate Law, Part 1 of Division 4 of the Code (herein "the Real Estate Law") as an individual real estate broker and as the designated officer of Respondent. MUNZ's individual real estate broker license expired in 2003. MUNZ passed away on or about December 13, 2010.

At all times herein mentioned, Respondent engaged in the business of, acted in the capacity of, advertised, or assumed to act as a real estate broker within the State of California for or in expectation of compensation, for which a real estate license is required under section 10131(b) of the Code, including the operation and conduct of a property management business with the public wherein, on behalf of others, for compensation, leased or rented or offered to lease or rent, or placed for rent, or solicited listings of places for rent, or solicited for prospective tenant, or negotiated for sale, purchase or exchanges of leases on real property, or on a business opportunity, or collected rent from real property, or improvements thereon, or from business opportunities.

Beginning on January 12, 2010 and continuing intermittently through March 25, 2010, the Department conducted an audit at Respondent's main office located on 777 Campus Commons Rd., Suite 200, Sacramento, California 95825, where the auditor examined records for the period of July 1, 2008 through November 30, 2009 (the audit period).

While conducting business within the audit period, Respondent accepted or received funds in trust (trust funds) from or on behalf of lenders, investors, borrowers and others in connection with the mortgage loan brokerage activities and deposited or caused to be deposited those funds into bank accounts maintained by Respondent, including:

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TRUST ACCOUNT # 1	
Bank Name and Location:	Bank of Sacramento, 1750 Howe Avenue, Suite 100 Sacramento, CA 95825
Account No.:	XXXXXX6832
Entitled:	"Arbour Real Estate Management Inc."
Signatories:	Lambert Munz (REB) and Judy Munz (RES)
No. of Signatures Required:	One

BANK ACCOUNT # 1	
Bank Name and Location:	Bank of Sacramento, 1750 Howe Avenue, Suite 100 Sacramento, CA 95825
Account No.:	XXXXXX4505
Entitled:	"Arbour Real Estate Management Inc."
Signatories:	Lambert Munz (REB) and Judy Munz (RES)
No. of Signatures Required:	One

and thereafter from time to time made disbursement of said trust funds.

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In the course of the activities described above in Paragraph 5, in connection with the collection and disbursement of trust funds, Respondent:

- (a) Failed to designate Bank Account #1, used to hold tenant security deposits, as a trust account in violation of section 10145 of the Code and section 2832 of chapter 6, title 10, California Code of Regulations (herein "the Regulations");
- (b) Failed to maintain accurate separate beneficiary records for Trust Account #1 resulting in the inability of the Department to determine trust fund accountability as of September 30, 2009 in violation of section 10145 of the Code and section 2832.1 of the Regulations;
- (c) Failed to maintain accurate separate beneficiary records for Bank Account #1 in that there were negative account balances totaling \$3,454.92, an unidentified shortage of \$384.00, and \$4,490.00 in the account was attributable to broker funds wrongfully commingled with trust funds, all of

1 which violate section 10145 of the Code and section 2832.1 of the  
2 Regulations;

3 (d) Commingled broker funds with trust funds in Bank Account #1 from the  
4 period beginning February 19, 2009 and continuing through December 28,  
5 2009 in violation of section 10176(e) of the Code and section 2835 of the  
6 Regulations;

7 (e) Maintained control records for Trust Account #1 and Bank Account #1 that  
8 were inaccurate and incomplete in violation of section 10145 of the Code and  
9 section 2831 of the Regulations;

10 (f) Maintained separate beneficiary records for Trust Account #1 that were  
11 inaccurate, incomplete and unreliable in violation of section 10145 of the  
12 Code and section 2831.1 of the Regulations;

13 (g) Failed to reconcile the balance of all separate beneficiary records with the  
14 balance of all trust funds received and disbursed from Trust Account #1 and  
15 Bank Account #1 in violation section 10145 of the Code and section 2831.2  
16 of the Regulations;

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18 The acts and/or omissions of Respondent, as alleged above in Paragraph 7, are  
19 grounds for discipline under sections 10177(d) (willful disregard/violation of real estate law)  
20 and 10177(g) (demonstrated negligence or incompetence involving acts for which a real estate  
21 license is required) of the Code.

22 WHEREFORE, Complainant prays that a hearing be conducted on the  
23 allegations of this Accusation and that upon proof thereof a decision be rendered imposing  
24 disciplinary action against all licenses and license rights of Respondent under the Real Estate  
25 Law, and for such other and further relief as may be proper under other provisions of law.

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TRICIA D. SOMMERS  
Deputy Real Estate Commissioner

Dated at Sacramento, California,  
this 18th day of August, 2011.