

FILED

DEC 28 2011

DEPARTMENT OF REAL ESTATE

By L. Jones

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

Telephone: (916) 227-0781

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of

AIM REALTY INC., and
DONALD ROGER HAY,

Respondents.

No. H-5675 SAC

STIPULATION AND
AGREEMENT

It is hereby stipulated by and between AIM REALTY INC., and DONALD ROGER HAY (hereinafter "Respondents"), represented by C. Breck Jones, and the Complainant, acting by and through Truly Sughrue, Counsel for the Department of Real Estate (hereinafter "Department"), as follows for the purpose of settling and disposing the Accusation filed on August 25, 2011 in this matter:

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

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

1 3. Respondents filed a Notice of Defense pursuant to Section 11505 of the
2 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.
3 Respondents hereby freely and voluntarily withdraw said Notice of Defense. Respondents
4 acknowledge that they understand that by withdrawing said Notice of Defense they will thereby
5 waive their rights to require the Real Estate Commissioner (hereinafter "Commissioner") to
6 prove the allegations in the Accusation at a contested hearing held in accordance with the
7 provisions of the APA, and that they will waive other rights afforded to them in connection with
8 the hearing such as the right to present evidence in defense of the allegations in the Accusation
9 and the right to cross-examine witnesses.

10 4. Respondents pursuant to the limitations set forth below, hereby admit the
11 factual allegations in the Accusation filed in this proceeding are true and correct and the
12 Commissioner shall not be required to provide further evidence to prove such allegations.

13 5. Respondents understand that by agreeing to this Stipulation and
14 Agreement, Respondents agree to pay, pursuant to Section 10148 of the California Business and
15 Professions Code (hereinafter "the Code"), the cost of the audit, which resulted in the
16 determination that Respondents committed the trust fund violation(s) found in Paragraph I of
17 the Determination of Issues. The amount of said costs is \$5,247.

18 6. Respondents further understand that by agreeing to this Stipulation and
19 Agreement, the findings set forth below in the Determination of Issues become final, and the
20 Commissioner may charge said Respondent for the costs of any audit conducted pursuant to
21 Section 10148 of the Code to determine if the violations have been corrected. The maximum
22 costs of said audit shall not exceed \$5,247.

23 7. It is understood by the parties that the Commissioner may adopt the
24 Stipulation and Agreement as his decision in these matters thereby imposing the penalty and
25 sanctions on the real estate licenses and license rights of Respondents as set forth in the below
26 "Order". In the event the Commissioner in his discretion does not adopt the Stipulation and
27 Agreement, it shall be void and of no effect, and Respondents shall retain the right to a hearing

1 and proceeding on the Accusations under all the provisions of the APA and shall not be bound by
2 any admission or waiver made herein.

3 8. The Order or any subsequent Order of the Commissioner made pursuant to
4 this Stipulation and Agreement shall not constitute an estoppel, merger or bar to any further
5 administrative or civil proceedings by the Department with respect to any matters which were not
6 specifically alleged to be causes for accusation in this proceeding.

7 * * *

8 DETERMINATION OF ISSUES

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

12 I

13 The acts and omissions of AIM REALTY INC. (hereinafter "AIM") as described
14 in the First Cause of Action are grounds for the suspension or revocation of AIM's licenses and
15 license rights under the following sections of the Code and Title 10 of the California Code of
16 Regulations (hereinafter "Regulations"):

17 (1) As to Paragraphs 10(a) 10(b), and 10(c), under Section 10177(d) of the
18 Code in conjunction with Section 10145 of the Code and Section 2832.1 of the Regulations;

19 (2) As to Paragraph 10(d), under Section 10177(d) of the Code in
20 conjunction with Section 10145 of the Code and Section 2832 of the Regulations;

21 (3) As to Paragraph 10(e), under Section 10177(d) of the Code in conjunction
22 with Section 2831.1 of the Regulations;

23 (4) As to Paragraph 11, under Section 10177(d) of the Code in conjunction
24 with Section 2831 of the Regulations;

25 (5) As to Paragraph 13(a), under Section 10177(d) of the Code in conjunction
26 with Section 10085 of the Code and Section 2970 of the Regulations; and
27

1 (6) As to Paragraph 13(b), under Section 10177(d) of the Code in
2 conjunction with Section 10146 of the Code and Section 2972 of the Regulations.

3 III

4 The acts and/or omissions of DONALD ROGER HAY (hereinafter "HAY") as
5 described in the Second Cause of Action is cause for the suspension or revocation of HAY's
6 license and/or license rights under Section 10177(h) of the Code.

7 * * *

8 ORDER

9 I

10 All licenses and licensing rights of Respondent AIM under the Real Estate Law
11 are suspended for a period of one sixty (60) days from the effective date of this Order; provided,
12 however, that:

13 1) Thirty (30) days of said suspension shall be stayed, upon the condition that AIM petition
14 pursuant to Section 10175.2 of the Code and pays a monetary penalty pursuant to Section
15 10175.2 of the Code at a rate of \$50 for each day of the suspension for a total monetary penalty
16 of \$1,500.

17 a) Said payment shall be in the form of a cashier's check or certified check made payable to
18 the Recovery Account of the Real Estate Fund. Said check must be delivered to the
19 Department prior to the effective date of the Order in this matter.

20 b) No further cause for disciplinary action against the Real Estate licenses of AIM occurs
21 within two (2) years from the effective date of the decision in this matter.

22 c) If AIM fails to pay the monetary penalty as provided above prior to the effective date of
23 this Order, the stay of the suspension shall be vacated as to that Respondent and the order
24 of suspension shall be immediately executed, under this Order, in which event the said
25 Respondent shall not be entitled to any repayment nor credit, prorated or otherwise, for
26 the money paid to the Department under the terms of this Order.
27

1 d) If AIM pays the monetary penalty and any other moneys due under this Stipulation and

2 Agreement and if no further cause for disciplinary action against the real estate license of
3 said Respondent occurs within two (2) years from the effective date of this Order, the
4 entire stay hereby granted this Order, as to said Respondent only, shall become
5 permanent.

6 2) Thirty (30) days of said suspension shall be stayed for two (2) years upon the following terms
7 and conditions:

8 a) AIM shall obey all laws, rules and regulations governing the rights, duties and
9 responsibilities of a real estate licensee in the State of California; and,

10 b) That no final subsequent determination be made, after hearing or upon stipulation that
11 cause for disciplinary action occurred within two (2) years from the effective date of this
12 Order. Should such a determination be made, the Commissioner may, in his discretion,
13 vacate and set aside the stay order and reimpose all or a portion of the stayed suspension.
14 Should no such determination be made, the stay imposed herein shall become permanent.

15 3) Pursuant to Section 10148 of the Code, AIM shall jointly and severally with HAY pay the sum
16 of \$5,247 for the Commissioner's cost of the audit which led to this disciplinary action.

17 Respondents shall pay such cost within sixty (60) days of receiving an invoice from the
18 Commissioner. The Commissioner may suspend the Respondent's license pending a hearing
19 held in accordance with Section 11500, et seq., of the Government Code, if payment is not timely
20 made as provided for herein, or as provided for in a subsequent agreement between the
21 Respondent and the Commissioner. The suspension shall remain in effect until payment is made
22 in full or until Respondent enters into an agreement satisfactory to the Commissioner to provide
23 for payment, or until a decision providing otherwise is adopted following a hearing held pursuant
24 to this condition.

25 4) Pursuant to Section 10148 of the Code, AIM shall jointly and severally with HAY pay the
26 Commissioner's reasonable cost, not to exceed \$5,247, for an audit to determine if Respondents
27 have corrected the trust fund violation(s) found in the Determination of Issues. In calculating the

1 amount of the Commissioner's reasonable cost, the Commissioner may use the estimated average
2 hourly salary for all persons performing audits of real estate brokers, and shall include an
3 allocation for travel time to and from the auditor's place of work. Respondent shall pay such cost
4 within sixty (60) days of receiving an invoice from the Commissioner detailing the activities
5 performed during the audit and the amount of time spent performing those activities. The
6 Commissioner may suspend Respondent's license pending a hearing held in accordance with
7 Section 11500, et seq., of the Government Code, if payment is not timely made as provided for
8 herein, or as provided for in a subsequent agreement between Respondent and the Commissioner.
9 The suspension shall remain in effect until payment is made in full or until Respondent enters
10 into an agreement satisfactory to the Commissioner to provide for payment, or until a decision
11 providing otherwise is adopted following a hearing held pursuant to this condition.

12 II

13 All licenses and licensing rights of Respondent HAY under the Real Estate Law are
14 suspended for a period of sixty (60) days from the effective date of this Order; provided,
15 however, that:

16 1) Thirty (30) days of said suspension shall be stayed, upon the condition that HAY petition
17 pursuant to Section 10175.2 of the Code and pays a monetary penalty pursuant to Section
18 10175.2 of the Code at a rate of \$50 for each day of the suspension for a total monetary penalty
19 of \$1,500.

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

23 b) No further cause for disciplinary action against the Real Estate licenses of HAY occurs
24 within two (2) years from the effective date of the decision in this matter.

25 c) If HAY fails to pay the monetary penalty as provided above prior to the effective date of
26 this Order, the stay of the suspension shall be vacated as to that Respondent and the order
27 of suspension shall be immediately executed, under this Order, in which event the said

Respondent shall not be entitled to any repayment nor credit, prorated or otherwise, for the money paid to the Department under the terms of this Order.

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

2) Thirty (30) days of said suspension shall be stayed for two (2) years upon the following terms and conditions:

a) HAY 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.

3) Pursuant to Section 10148 of the Code, HAY shall jointly and severally with AIM pay the sum of \$5,247 for the Commissioner's cost of the audit which led to this disciplinary action.

Respondents shall pay such cost within sixty (60) days of receiving an invoice from the Commissioner. The Commissioner may suspend the Respondent's license pending a hearing held in accordance with Section 11500, et seq., of the Government Code, if payment is not timely made as provided for herein, or as provided for in a subsequent agreement between the Respondent and the Commissioner. The suspension shall remain in effect until payment is made in full or until Respondent enters into an agreement satisfactory to the Commissioner to provide for payment, or until a decision providing otherwise is adopted following a hearing held pursuant to this condition.

4) Pursuant to Section 10148 of the Code, HAY shall jointly and severally with AIM pay the

1 Commissioner's reasonable cost, not to exceed \$5,247, for an audit to determine if Respondents
2 have corrected the trust fund violation(s) found in the Determination of Issues. In calculating the
3 amount of the Commissioner's reasonable cost, the Commissioner may use the estimated average
4 hourly salary for all persons performing audits of real estate brokers, and shall include an
5 allocation for travel time to and from the auditor's place of work. Respondent shall pay such cost
6 within sixty (60) days of receiving an invoice from the Commissioner detailing the activities
7 performed during the audit and the amount of time spent performing those activities. The
8 Commissioner may suspend Respondent's license pending a hearing held in accordance with
9 Section 11500, et seq., of the Government Code, if payment is not timely made as provided for
10 herein, or as provided for in a subsequent agreement between Respondent and the Commissioner.
11 The suspension shall remain in effect until payment is made in full or until Respondent enters
12 into an agreement satisfactory to the Commissioner to provide for payment, or until a decision
13 providing otherwise is adopted following a hearing held pursuant to this condition.

14 5) All licenses and licensing rights of Respondent HAY are indefinitely suspended unless or
15 until HAY provides proof satisfactory to the Commissioner, of having taken and successfully
16 completed the continuing education course on trust fund accounting and handling specified in
17 paragraph (3) of subdivision (a) of Section 10170.5 of the Code. Proof of satisfaction of this
18 requirement includes evidence that respondent has successfully completed the trust fund account
19 and handling continuing education course within 120 days prior to the effective date of the
20 Decision in this matter.

21 6) Respondent shall, within six (6) months from the effective date of this Decision, take and
22 pass the Professional Responsibility Examination administered by the Department including the
23 payment of the appropriate examination fee. If Respondent fails to satisfy this condition, the
24 Commissioner may order suspension of the license until Respondent passes the examination.
25
26
27

1 17-Oct-11

2 DATED

Truly Sughrue
TRULY SUGHRUE
Counsel for Complainant

3 ***

4 I have read the Stipulation and Agreement, discussed it with my counsel, and its
5 terms are understood by me and are agreeable and acceptable to me. I understand that I am
6 waiving rights given to me by the California Administrative Procedure Act, and I willingly,
7 intelligently and voluntarily waive those rights, including the right of requiring the
8 Commissioner to prove the allegations in the Accusations at a hearing at which I would have the
9 right to cross-examine witnesses against me and to present evidence in defense and mitigation of
10 the charges.

11 10-14-11

12 DATED

Donald Roger Hay
Donald Roger Hay, on behalf of
AIM REALTY INC.
Respondent

14
15 10-14-11

16 DATED

Donald Roger Hay
DONALD ROGER HAY
Respondent

17
18 ***

19 I have reviewed the Stipulation and Agreement as to form and content and have
20 advised my client accordingly.

21 10-14-11

22 DATED

C. Breck Jones
C. BRECK JONES
Attorney for Respondents

23
24 ///

25 ///

26 ///

27 ///

The foregoing Stipulation and Agreement is hereby adopted as my Decision and
shall become effective at 12 o'clock noon on JANUARY 17, 2012.

IT IS SO ORDERED 12/7, 2011.

BARBARA J. BIGBY
Acting Real Estate Commissioner



FILED

AUG 25 2011

DEPARTMENT OF REAL ESTATE

By L. Jones

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 Telephone: (916) 227-0789
7 (916) 227-0781 (Direct)

8
9
10 BEFORE THE DEPARTMENT OF REAL ESTATE
11 STATE OF CALIFORNIA

12 * * *

13 In the Matter of the Accusation of)

14 AIM REALTY INC., and)
15 DONALD ROGER HAY,)

16 Respondents.)

No. H-5675 SAC

ACCUSATION

17 The Complainant, Tricia Sommers, a Deputy Real Estate Commissioner of the
18 State of California, for cause of Accusation against AIM REALTY INC., and DONALD ROGER
19 HAY, (hereinafter "Respondents"), are informed and alleges as follows:

20 PRELIMINARY ALLEGATIONS

21 1

22 The Complainant, Tricia Sommers, a Deputy Real Estate Commissioner of the
23 State of California, makes this Accusation in her official capacity.

24 2

25 Respondents are presently licensed and/or have license rights under the Real
26 Estate Law, Part 1 of Division 4 of the Business and Professions Code (hereinafter "Code").
27

3

At all times mentioned, Respondent AIM REALTY INC. (hereinafter "AIM") was and is licensed by the State of California Department of Real Estate (hereinafter "Department") as a real estate broker corporation.

4

At all times mentioned, Respondent DONALD ROGER HAY (hereinafter "HAY") was and is licensed by the Department individually as a real estate broker, and as the designated officer broker of AIM. As said designated officer-broker, HAY was responsible pursuant to Section 10159.2 of the Code for the supervision of the activities of the officers, agents, real estate licensees, and employees of AIM for which a license is required.

5

Whenever reference is made in an allegation in this Accusation to an act or omission of AIM, such allegation shall be deemed to mean that the officers, directors, employees, agents and real estate licensees employed by or associated with AIM committed such acts or omissions while engaged in furtherance of the business or operation of AIM and while acting within the course and scope of their corporate authority and employment.

6

At all times 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:

(a) Section 10131(a) of the Code, including the operation and conduct of a real estate brokerage that included the sale or offer of sale, purchase or offer of purchase, solicitation of prospective sellers and purchasers of, solicitation or obtaining listings of, or negotiations of the purchase, sale or exchange of real property or a business opportunity; and

(b) Section 10131(b) of the Code in the operation and conduct of a property management business with the public wherein, on behalf of others, for compensation or in expectation of compensation, Respondents leased or rented and offered to lease or rent, and

1 placed for rent, and solicited listings of places for rent, and solicited for prospective tenants of
2 real property or improvements thereon, and collected rents from real property or improvements
3 thereon.

4 FIRST CAUSE OF ACTION

5 7

6 Each and every allegation in Paragraphs 1 through 6, inclusive, above, are
7 incorporated by this reference as if fully set forth herein.

8 8

9 While acting as a corporate real estate broker as described in Paragraph 6(b), AIM
10 accepted or received funds in trust (hereinafter "trust funds") from or on behalf of owners and
11 tenants in connection with the leasing, renting, and collection of rents on real property or
12 improvements thereon, as alleged herein, and thereafter from time to time made disbursements of
13 said trust funds.

14 9

15 The trust funds accepted or received by AIM as described in Paragraph 8, were
16 deposited or caused to be deposited by AIM into trust accounts which were maintained by AIM
17 for the handling of trust funds, and thereafter from time-to-time AIM made disbursements of said
18 trust funds, identified as follows:

19

TRUST ACCOUNT # 1	
20 Bank Name and Location:	Five Star Bank, 6810 Five Star Blvd., Rocklin, CA 95677
21 Account No.:	xxxx722
22 Entitled:	Aim Realty, Inc. 23 Donald R. Hay, Sr. 24 Trust Account I

25

TRUST ACCOUNT # 2	
26 Bank Name and Location:	Five Star Bank, 6810 Five Star Blvd., Rocklin, CA 95677

27

Account No.:	xxxx305
Entitled:	Aim Realty, Inc. NATOMAS Trust Account

TRUST ACCOUNT # 3	
Bank Name and Location:	Tri Counties Bank, 4100 Douglas Blvd., Granite Bay, CA 95746
Account No.:	xxxxxxx149
Entitled:	A Affordable Property Management Trust Account

10

In the course of the activities described in Paragraph 6(b), above, AIM:

(a) caused, suffered, or permitted the balance of funds in Trust Account #1 to be reduced to an amount which, as of February 28, 2011, was approximately \$9,649.59 less than the aggregate liability of Trust Account #1 to all owners of such funds, without the prior written consent of each and every owner of such funds, in violation of Section 10145 of the Code and Section 2832.1 of Title 10 of the California Code of Regulations (hereafter "the Regulations");

(b) caused, suffered, or permitted the balance of funds in Trust Account #2 to be reduced to an amount which, as of February 28, 2011, was approximately \$1,245.00 less than the aggregate liability of Trust Account #2 to all owners of such funds, without the prior written consent of each and every owner of such funds, in violation of Section 10145 of the Code and Section 2832.1 of the Regulations;

(c) caused, suffered, or permitted the balance of funds in Trust Account #3 to be reduced to an amount which, as of February 28, 2011, was approximately \$3,739.63 less than the aggregate liability of Trust Account #3 to all owners of such funds, without the prior written consent of each and every owner of such funds, in violation of Section 10145 of the Code and Section 2832.1 of the Regulations;

///

///

(d) failed to deposit collected trust funds into a trust account within three business days in conformance with Section 10145 of the Code and Section 2832 of the Regulations; and

(e) failed to keep accurate separate records for each beneficiary or transaction, accounting therein for all funds which were deposited into the Trust Account #2, containing all of the information required by Section 2831.1 of the Regulations.

11

In the course of the activities described in Paragraph 6(a), AIM failed to maintain a written control record of all trust funds received and not placed in broker's trust account containing all information required by Section 2831 of the Regulations.

12

In connection with the operation and conduct of the real estate activities described in Paragraph 6(b), AIM, engaged in the business of claiming, demanding, charging, receiving, collecting, or contracting for the collection of advance fees within the meaning of Sections 10026 and 10131.2 (hereinafter "advance fees") of the Code including but not limited to the following:

Property Address	Date	Advance Fee
1015 Vanston Way	12/1/2010	\$10
1015 Vanston Way	1/5/2011	\$10
1015 Vanston Way	2/1/2011	\$10
208 Beachcomber	12/1/2010	\$10
208 Beachcomber	1/5/2011	\$10
208 Beachcomber	2/1/2011	\$10
2920 Old Oak Tree	12/1/2010	\$10
2920 Old Oak Tree	1/5/2011	\$10
2920 Old Oak Tree	2/1/2011	\$10

13

In connection with the collection and handling of said advance fee, AIM:

(a) Failed to cause the advance fee contract and all materials used in obtaining the advance fee agreement to be submitted to the Department of Real Estate prior to use as

1 required by Section 10085 of the Code and Section 2970 of Title 10 of the California Code of
2 Regulations (hereinafter "the Regulations").

3 (b) Failed to furnish the principal borrower the verified accounting required by
4 Section 10146 of the Code and Section 2972 of the Regulations.

5 14

6 The facts alleged in the First Cause of Action are grounds for the suspension or
7 revocation of AIM's licenses and license rights under the following sections of the Code and
8 Regulations:

9 (1) As to Paragraphs 10(a), 10(b), and 10(c), under Section 10177(d) of the
10 Code in conjunction with Section 10145 of the Code and Section 2832.1 of the Regulations;

11 (2) As to Paragraph 10(d), under Section 10177(d) of the Code in
12 conjunction with Section 10145 of the Code and Section 2832 of the Regulations;

13 (3) As to Paragraph 10(e), under Section 10177(d) of the Code in conjunction
14 with Section 2831.1 of the Regulations;

15 (4) As to Paragraph 11, under Section 10177(d) of the Code in conjunction
16 with Section 2831 of the Regulations;

17 (4) As to Paragraph 13(a), under Section 10177(d) of the Code in conjunction
18 with Section 10085 of the Code and Section 2970 of the Regulations; and

19 (5) As to Paragraph 13(b), under Section 10177(d) of the Code in
20 conjunction with Section 10146 of the Code and Section 2972 of the Regulations.

21 15

22 The acts and/or omissions of AIM as alleged in the First Cause of Action, entitle
23 the Department to reimbursement of the costs of its audit pursuant to Section 10148
24 (Reimbursement for Cost of Audit for Trust Fund Handling Violation) of the Code.

25 SECOND CAUSE OF ACTION

26 16

27 Each and every allegation in Paragraphs 1 through 15, inclusive, above, are

1 incorporated by this reference as if fully set forth herein.

2. 17

3 Respondent HAY failed to exercise reasonable supervision over the acts of
4 Respondent AIM in such a manner as to allow the acts and events described above to occur.

5 18

6 The acts and/or omissions of HAY described in Paragraph 17, constitute failure
7 on the part of HAY, as designated officer-broker for AIM, to exercise reasonable supervision and
8 control over the licensed activities of AIM required by Section 10159.2 of the Code.

9 19

10 The facts described above as to the Second Cause of Accusation constitute cause
11 for the suspension or revocation of the licenses and license rights of Respondent HAY under
12 Section 10177(g) and/or Section 10177(h) of the Code and Section 10159.2 of the Code in
13 conjunction with Section 10177(d) of the Code.

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

19
20 
21 TRICIA SOMMERS
22 Deputy Real Estate Commissioner

23 Dated at Sacramento, California,

24 this 15th day of August, 2011

25 ///

26 ///

27 ///

DISCOVERY DEMAND

Pursuant to Sections 11507.6, *et seq.* of the *Administrative Procedure Act*, the Department of Real Estate hereby makes demand for discovery pursuant to the guidelines set forth in the *Administrative Procedure Act*. Failure to provide Discovery to the Department of Real Estate may result in the exclusion of witnesses and documents at the hearing or other sanctions that the Office of Administrative Hearings deems appropriate.