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FILED

MAR 13 2012

DEPARTMENT OF REAL ESTATE

By K. Contreras

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
LOUISE ELLEN JOHNSON,)
Respondent.)

NO. H-5793 SAC

ACCUSATION

The Complainant, TRICIA SOMMERS, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against LOUISE ELLEN JOHNSON (herein "Respondent") dba Mid Valley Realty, is informed and alleges as follows:

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The Complainant makes this Accusation in her official capacity.

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At all times herein mentioned, Respondent was and now is licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) (herein "the Code").

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At all times herein mentioned, Respondent was and now is licensed by the State of California Department of Real Estate (herein the "Department") as a real estate broker.

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 on behalf of others, for compensation or in expectation of compensation within the meaning of:

(a) 10131(a) of the Code, the operation and conduct of a real estate brokerage, which 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, the operation and conduct of a property management business, which included leasing or renting and offering to lease or rent, and placing for rent, and soliciting listings of places for rent, and soliciting for prospective tenants of real property or improvements thereon, and collecting rents from real property or improvements thereon.

In so acting as a real estate broker, as described in Paragraph 4 above, Respondent accepted or received funds in trust (herein "trust funds") from or on behalf of sellers, purchasers, owners, tenants, and others in connection with the sale of real property or leasing, renting, and collection of rents on real property or improvements thereon.

The aforesaid trust funds accepted or received by Respondent were deposited or caused to be deposited by Respondent into one or more bank accounts (herein "trust fund accounts") maintained by Respondent for the handling of trust funds at the Chico, California, branch of Bank of America, including but not necessarily limited to "Johnson, Louise Ellen dba Mid Valley Realty Trust", account number xxxxx-x5917 (herein "Trust #1").

Between about November 1, 2009 and October 31, 2010, in connection with the collection and disbursement of said trust funds, Respondent:

1 (a) caused, suffered or permitted the balance of funds in Trust #1 to be reduced
2 to amounts less than the liability of Respondent resulting in a trust fund shortage of about
3 \$11,573.89 on about September 30, 2010, in violation of Section 2832.1 of Chapter 6, Title 10,
4 California Code of Regulations (herein "the Regulations");

5 (b) failed to reconcile at least once a month, the balance of all separate
6 beneficiary or transaction records with Trust #1, as required by Section 2831.2 of the
7 Regulations; and,

8 (c) failed to disclose her real estate broker license number on her business card,
9 in violation of Section 10140.6 of the Code.

10 8

11 The facts alleged above are grounds for the suspension or revocation of the
12 licenses and license rights of Respondent under the following provisions of the Code and/or the
13 Regulations:

14 (a) as to Paragraph 7(a) under Section 2832.1 of the Regulations, in
15 conjunction with Section 10177(d) of the Code;

16 (b) as to Paragraph 7(b) under Section 2831.2 of the Regulations, in
17 conjunction with Section 10177(d) of the Code; and,

18 (c) as to Paragraph 7(c) under Section 10140.6 of the Code.

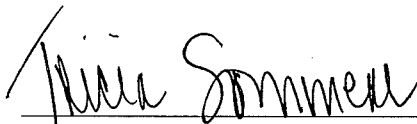
19 PRIOR DISCIPLINE

20 Effective September 9, 2009, in Case No. H-5150 SAC, the Real Estate
21 Commissioner suspended Respondent's real estate broker license for violating Sections 10177(d),
22 10145, and 10148 of the Code and Sections 2831, 2831.2, 2832 and 2832.1 of the Regulations.

23 COST RECOVERY

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

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

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10 TRICIA SOMMERS
11 Deputy Real Estate Commissioner
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13 Dated at Sacramento California

14 this 1st day of ~~February~~, 2012.
15 March
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