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**FILED**

APR 8 2014

**BUREAU OF REAL ESTATE**

By L. Frost

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9 **BEFORE THE BUREAU OF REAL ESTATE**  
10 **STATE OF CALIFORNIA**

11 \* \* \*

12 In the Matter of the Accusation of	)	NO. H-6106 SAC
	)	
13 CATHERINE RENE KING	)	<u>ACCUSATION</u>
14 GINA MARIE WEST, and	)	
SHASTA PROPERTIES, INC.,	)	
	)	
15 Respondents.	)	
	)	

17 The Complainant, TRICIA D. SOMMERS, solely in her official capacity as a  
 18 Supervising Special Investigator of the State of California, for cause of Accusation against  
 19 CATHERINE RENE KING, GINA MARIE WEST, and SHASTA PROPERTIES, INC., is  
 20 informed and alleges as follows:

21 1

22 Respondent CATHERINE RENE KING (Bureau License No. 01200054)  
 23 (hereinafter "KING") is presently licensed by the California Bureau<sup>1</sup> of Real Estate (hereinafter  
 24 "the Bureau") and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the  
 25 California Business and Professions Code (hereafter "the Code"), as a real estate broker.

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 27 <sup>1</sup> Effective July 1, 2013, the Department of Real Estate has become the Bureau of Real Estate pursuant to the Governor's Reorganization Plan of 2012.

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At no time herein has Respondent KING had any fictitious business names registered with the Bureau.

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Respondent GINA MARIE WEST (Bureau License No. 01306424) (hereinafter "WEST") is presently licensed by the Bureau and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the Code, as a real estate salesperson. From January 23, 2012 through November 6, 2012, WEST was employed by KING. From November 7, 2012 through May 5, 2013, WEST was employed by SHASTA PROPERTIES, INC. From May 6, 2013 through November 7, 2013, WEST did not have an employing broker. At no time has WEST been licensed as a real estate broker.

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Respondent SHASTA PROPERTIES, INC. (Bureau License No. 01921033) (hereinafter "SPI") is presently licensed by the Bureau and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the Code, as a real estate broker corporation. At all times relevant herein, SPI was owned and operated by WEST. From October 3, 2012 through May 6, 2013, KING was the designated officer broker of SPI. Since May 6, 2013, SPI has had no designated officer broker.

5

From October 3, 2012 through May 6, 2013, KING was and is licensed by the Bureau individually as a real estate broker, and was licensed as the designated officer broker of SPI. As said designated officer broker, KING 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 SPI for which a license is required.

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

At all times relevant herein, Respondents 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 within the meaning of Section 10131(b) of the Code (Broker Defined – Property Management/Collection of Rent), including 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 or offered to lease or rent, and solicited for prospective tenants of real property or improvements thereon, and collected rents from real property or improvements thereon.

PREVIOUS DISCIPLINARY ACTION

Effective August 13, 2013, in Case No. H-6004 SAC, the Real Estate Commissioner issued an Order to Desist and Refrain against SPI and WEST, for violation of Section 10130 of the Code, in conjunction with Section 10131(b) of the Code.

PENDING DISCIPLINARY ACTION

On December 4, 2012, in Case No. H-5921 SAC, the Bureau filed an Accusation against WEST, which is currently pending, alleging a violation of Section 10145(c) of the Code and Section 2832 of Title 10, California Code of Regulations (hereinafter “the Regulations”).

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FIRST CAUSE FOR DISCIPLINE  
As Against Respondent KING  
Audit Period January 23, 2012 to October 2, 2012

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Each and every allegation in paragraphs 1 through 9, above, is incorporated by this reference as if fully set forth herein.

11

On or about December 5, 2012, and continuing intermittently through March 28, 2013, an audit was conducted of KING's business activities at KING's office location at 737 Auditorium Dr., Ste. A, Redding, California, wherein the auditor examined KING's records for the period of January 23, 2012 through October 2, 2012 (hereinafter "the audit period").

12

While acting as a real estate broker as described in paragraph 7, above, and within the audit period, KING accepted or received funds in trust (hereinafter "trust funds") and deposited, caused to be deposited, or directed that the trust funds be deposited into the following bank account maintained by KING, and thereafter, from time-to-time, KING made, caused or directed disbursements of said trust funds, identified as follows:

Trust Account #1

Bank Name:	Tri Counties Bank
Account No.:	Last 4 Digits: xxxxx5956
Account Name:	"Gina M West DBA Shasta Properties Trust Account"
Signatories:	Gina M. West (RES)
Purpose:	Used for deposits and disbursements related to properties managed by KING.

13

In the course of the real estate broker activities described in paragraph 7, above, and during the audit period, KING:

(a) caused, suffered, permitted or directed the balance of funds in Trust Account #1 to be reduced to an amount which, as of September 30, 2012, was approximately \$979.34 less than the aggregate liability of Trust Account #1 to all owners of such funds, without

1 the prior written consent of each and every owner of such funds, in violation of Section 10145  
2 (handling of trust funds) of the Code and Section 2832.1 (written authorization of all  
3 beneficiaries required to reduce funds to below liability) of the Regulations. The cause of said  
4 trust fund shortage was attributed to negative account balances for property owners Neal R.  
5 totaling \$800.98, and Richard and Judy S. totaling \$178.36;

6 (b) failed to maintain separate records for each beneficiary or property of trust  
7 funds accepted or received for Trust Account #1, in violation of Section 10145(g) of the Code  
8 and Section 2831.1 of the Regulations, in that Trust Account #1 contained unidentified and/or  
9 unaccounted for funds totaling \$535.21;

10 (c) failed to perform and maintain reconciliations of the balance of separate  
11 beneficiary records with a control record (record of all trust funds received and disbursed) for  
12 Trust Account #1 on at least a monthly basis, in violation of Section 2831.2 of the Regulations;

13 (d) as of October 2, 2012, deposited trust funds into Trust Account #1, and  
14 failed to designate Trust Account #1 as a trust fund account in the name of Respondent KING, as  
15 trustee, in violation of Section 10145 of the Code and Section 2832 of the Regulations; and,

16 (e) conducted real estate activities using the fictitious business name "Shasta  
17 Properties", without first registering this fictitious business name with the Bureau as required by  
18 Section 10159.5 of the Code and Section 2731 of the Regulations.

19 14

20 The acts and/or omissions of KING as alleged in paragraph 13, above, constitute  
21 grounds for the suspension or revocation of all licenses and license rights of KING pursuant to  
22 the following provisions of the Code and Regulations:

23 As to paragraph 13(a), pursuant to Section 10177(d) (willful disregard or  
24 violation of Real Estate Law) and/or 10177(g) (negligence or incompetence in performing  
25 licensed act) of the Code, in conjunction with Section 10145 of the Code and Section 2832.1 of  
26 the Regulations;

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1 As to paragraph 13(b), pursuant to 10177(d) and/or 10177(g) of the Code, in  
2 conjunction with Section 10145(g) of the Code and Section 2831.1 of the Regulations;

3 As to paragraph 13(c), pursuant to Section 10177(d) and/or 10177(g) of the  
4 Code, in conjunction with Section 2831.2 of the Regulations;

5 As to paragraph 13(d), pursuant to Section 10177(d) and/or 10177(g) of the  
6 Code, in conjunction with Section 10145 of the Code and Section 2832 of the Regulations; and,

7 As to paragraph 13(e), pursuant to Section 10177(d) and/or 10177(g) of the  
8 Code, in conjunction with Section 10159.5 of the Code and Section 2731 of the Regulations.

9 SECOND CAUSE FOR DISCIPLINE  
10 As Against Respondents SPI and KING  
11 Audit Period October 3, 2012 to February 19, 2013

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13 Each and every allegation in paragraphs 1 through 14, above, is incorporated by  
14 this reference as if fully set forth herein.

15 16

16 On or about December 5, 2012, and continuing intermittently through April 19,  
17 2013, an audit was conducted of SPI's and KING's ("Respondents") business activities at  
18 Respondents' office location at 737 Auditorium Dr., Ste. A, Redding, California, wherein the  
19 auditor examined Respondents' records for the period of October 3, 2012 through February 19,  
20 2013 (hereinafter "the audit period").

21 17

22 While acting as a real estate broker as described in paragraph 7, above, and within  
23 the audit period, Respondents accepted or received funds in trust (hereinafter "trust funds") and  
24 deposited, caused to be deposited, or directed that the trust funds be deposited into the following  
25 bank accounts maintained by Respondents, and thereafter, from time-to-time, Respondents made,  
26 caused or directed disbursements of said trust funds, identified as follows:

27 ///

Trust Account #1

Bank Name: Tri Counties Bank  
Account No.: Last 4 Digits: xxxxx5956  
Account Name: "Gina M West DBA Shasta Properties Trust Account"  
Signatories: Gina M. West (RES)  
Purpose: Used for deposits and disbursements related to properties managed by KING.

Trust Account #2

Bank Name: Tri Counties Bank  
Account No.: Last 4 Digits: xxxxx4362  
Account Name: "Shasta Properties Inc. Trust Account"  
Signatories: Gina M. West (RES); Catherine King (REB/DO)  
Purpose: Used for deposits and disbursements related to properties managed by SPI.

18

In the course of the real estate broker activities described in paragraph 7, above, and during the audit period, SPI and KING:

(a) caused, suffered, permitted or directed the combined balance of funds in Trust Account #1 and Trust Account #2 to be reduced to an amount which, as of December 31, 2012, was approximately \$985.99 less than the aggregate liability of Trust Account #1 and 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. The cause of said trust fund shortage was attributed to negative balances for property owners Garrith P. of \$0.01, Stuart S. of \$75.00, Neal R. of \$800.98, and Clyde A. Admin. Trust of \$110.00;

(b) caused, suffered, permitted or directed the combined balance of funds in Trust Account #1 and Trust Account #2 to be reduced to an amount which, as of January 31, 2013, was approximately \$45,745.49 less than the aggregate liability of Trust Account #1 and 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. The cause of said trust fund shortage was attributed to a bank debit for the payoff

1 of two personal loans held by WEST totaling \$41,048.38, and negative account balances for  
2 property owners Garrith P. of \$0.01, Neal R. of \$25.98, T&S Holdings, Inc. of \$11.12, and  
3 Berten D. of \$4,660.00;

4 (c) failed to maintain separate records for each beneficiary or property of trust  
5 funds accepted or received for Trust Account #1 and Trust Account #2, in violation of Section  
6 10145(g) of the Code and Section 2831.1 of the Regulations, in that Trust Account #1 and Trust  
7 Account #2, combined, contained unidentified and/or unaccounted for funds totaling \$388.32 as  
8 of December 31, 2012, and \$1,770.94 as of January 31, 2013;

9 (d) failed to perform and maintain reconciliations of the balance of separate  
10 beneficiary records with a control record (record of all trust funds received and disbursed) for  
11 Trust Account #1 and Trust Account #2 on at least a monthly basis, in violation of Section  
12 2831.2 of the Regulations;

13 (e) failed to maintain complete and accurate records of all trust funds received  
14 and disbursed (control records) for both Trust Account #1 and Trust Account #2, including, but  
15 not limited to the separate balances for each trust account as of January 31, 2013, in violation of  
16 Section 10145 of the Code and Section 2831 of the Regulations. Specifically, Respondents  
17 maintained a combined set of records, in that Respondents maintained one control record and  
18 one set of separate records for trust funds held in both Trust Account #1 and Trust Account #2;

19 (f) as of January 31, 2013, deposited trust funds into Trust Account #1, and  
20 failed to designate Trust Account #1 as a trust fund account in the name of SPI or KING, as  
21 trustee, in violation of Section 10145 of the Code and Section 2832 of the Regulations; and,

22 (g) conducted real estate activities at 737 Auditorium Dr., Ste. A, Redding,  
23 CA effective October 15, 2012 and as of February 19, 2013, a location which requires a  
24 real estate license, without first procuring a real estate license for that office location in violation  
25 of Section 10162 of the Code and Section 2715 of the Regulations.

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The acts and/or omissions of SPI and KING as alleged in paragraph 18, above, constitute grounds for the suspension or revocation of all licenses and license rights of SPI and KING pursuant to the following provisions of the Code and Regulations:

As to paragraph 18(a), pursuant to Section 10177(d) and/or 10177(g) of the Code, in conjunction with Section 10145 of the Code and Section 2832.1 of the Regulations;

As to paragraph 18(b), pursuant to Section 10177(d) and/or 10177(g) of the Code, in conjunction with Section 10145 of the Code and Section 2832.1 of the Regulations;

As to paragraph 18(c), pursuant to 10177(d) and/or 10177(g) of the Code, in conjunction with Section 10145(g) of the Code and Section 2831.1 of the Regulations;

As to paragraph 18(d), pursuant to Section 10177(d) and/or 10177(g) of the Code, in conjunction with Section 2831.2 of the Regulations;

As to paragraph 18(e), pursuant to Section 10177(d) and/or 10177(g) of the Code, in conjunction with Section 10145 of the Code and Section 2831 of the Regulations;

As to paragraph 18(f), pursuant to Section 10177(d) and/or 10177(g) of the Code, in conjunction with Section 10145 of the Code and Section 2832 of the Regulations; and,

As to paragraph 18(g), pursuant to Section 10177(d) and/or 10177(g) of the Code, in conjunction with Section 10162 of the Code and Section 2715 of the Regulations.

THIRD CAUSE FOR DISCIPLINE

As Against Respondent KING

Broker Supervision

Each and every allegation in paragraphs 1 through 19, inclusive, above, is incorporated by this reference as if fully set forth herein.

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2 From January 23, 2012 through November 6, 2012, KING employed WEST to  
3 perform the real estate activities identified in paragraph 7, above. At all times relevant herein,  
4 KING was required to exercise reasonable supervision and control over the activities of her  
5 employees, agents, and others acting on behalf and in furtherance of KING's real estate  
6 activities, including, but not limited to WEST.

7 22

8 KING failed to exercise reasonable supervision over the acts and/or omissions of  
9 her employees, agents, and others, including, but not limited to WEST, in such a manner as to  
10 allow the acts and/or omissions as described in paragraph 13, above, to occur, all in violation of  
11 Section 2725 of the Regulations (Reasonable Supervision by Broker) which constitutes grounds  
12 for the suspension or revocation of all licenses and license rights of KING pursuant to Sections  
13 10177(d) and/or 10177(g) of the Code, and Section 10177(h) (Failure to Exercise Reasonable  
14 Supervision) of the Code.

15 23

16 From October 3, 2012 through May 6, 2013, KING was the designated officer  
17 broker of SPI. At all times relevant herein, KING was required to exercise reasonable  
18 supervision and control over the activities of the employees, agents, and others acting on behalf  
19 and in furtherance of the real estate activities of SPI, including, but not limited to WEST.

20 24

21 KING failed to exercise reasonable supervision over the acts and/or omissions of  
22 SPI and its employees, agents, and others, including, but not limited to WEST, in such a manner  
23 as to allow the acts and/or omissions as described in paragraph 18, above, to occur, all in  
24 violation of Section 10159.2 (Reasonable Supervision by Designated Officer) of the Code and  
25 Section 2725 of the Regulations, which constitutes grounds for the suspension or revocation of  
26 all licenses and license rights of KING pursuant to Sections 10177(d) and/or 10177(g) of the  
27 Code, and Section 10177(h) of the Code.

1 FOURTH CAUSE FOR DISCIPLINE  
2 As Against Respondents KING and SPI  
3 Broker-Salesperson Agreement

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5 Each and every allegation in paragraphs 1 through 24, inclusive, above, is  
6 incorporated by this reference as if fully set forth herein.

7 26

8 From January 23, 2012 through November 6, 2012, WEST was employed by  
9 KING, and from November 7, 2012 through May 5, 2013 WEST was employed by SPI to  
10 perform the real estate activities described in paragraph 7, above. During the time WEST was  
11 employed by SPI, KING was the designated officer broker of SPI. At no time did KING or SPI  
12 obtain a written agreement with real estate salesperson WEST covering the material aspects of  
13 the relationship between the parties, including but not limited to the compensation to be paid to  
14 WEST, in violation of Section 2726 of the Regulations. Such failure constitutes cause for the  
15 suspension or revocation of all licenses and license rights of KING and SPI pursuant to Sections  
16 10177(d) and/or 10177(g) of the Code.

17 FIFTH CAUSE FOR DISCIPLINE  
18 As Against Respondent WEST  
19 Failure to Deliver Trust Funds to Broker

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21 Each and every allegation in paragraphs 1 through 26, inclusive, above, is  
22 incorporated by this reference as if fully set forth herein.

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24 During the audit periods identified in paragraphs 11 and 16, above, WEST  
25 accepted trust funds from others in connection with the real estate activities described in  
26 paragraph 7, above, on behalf of and while employed by KING and SPI, and failed to deliver the  
27 funds to KING and SPI, to KING's and SPI's trust fund account, into the custody of KING's and

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1 SPI's principal, or to a neutral escrow depository as required by Section 10145(c) of the Code.  
2 Instead, WEST deposited said trust funds into Trust Account #1, identified in paragraphs 12 and  
3 17, above.

4 29

5 The acts and/or omissions of WEST identified in paragraph 28, above, constitute  
6 cause for the suspension or revocation of all licenses and license rights of WEST pursuant to  
7 Sections 10177(d) and/or 10177(g) of the Code, in conjunction with Section 10145(c) of the  
8 Code.

9 SIXTH CAUSE FOR DISCIPLINE  
10 As Against Respondents SPI and WEST  
11 Unlicensed Activity

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13 Each and every allegation in paragraphs 1 through 29, inclusive, above, is  
14 incorporated by this reference as if fully set forth herein.

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16 Since May 6, 2013, SPI has had no designated officer broker. At no time has  
17 WEST been licensed as a real estate broker. Since May 7, 2013 and continuing up to at least  
18 September 24, 2013, SPI and WEST engaged in the licensed activities identified in paragraph 7,  
19 above.

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21 At all times mentioned herein, SPI and WEST, through a website for SPI at  
22 www.shastaproperties.com, advertised property management services within the State of  
23 California for or in expectation of compensation and represented that they were licensed by the  
24 Bureau.

25 33

26 On or about May 31, 2013, a Bureau Special Investigator ("Investigator")  
27 shopped SPI and WEST through the www.shastaproperties.com website ("the Website"). The

1 Investigator found several residential properties actively being advertised for rent on the website.  
2 The Investigator called the telephone number listed on the website and spoke with Nicole H.  
3 The Investigator inquired about a property listed for rent on the website, known as 5818 Norwich  
4 Ct., Redding, CA ("the Property"). During the telephone call, Nicole H. relayed to the  
5 Investigator that SPI currently had a rental application pending for the property, that SPI would  
6 know by next week if the applicant was approved to rent the property, that she would have to ask  
7 the property owners if they would allow a large dog to live at the property, and that the rent  
8 requested for the property was \$1,595.00 per month with a security deposit of \$1,795.00 and an  
9 additional pet deposit of \$250.00. Nicole H. stated to the Investigator that the minimum lease for  
10 the property was one year. Nicole H. stated to the Investigator that SPI does not manage  
11 properties in Chico, CA, and that their management territory only extends down to Cottonwood,  
12 CA. Nicole H. stated to the Investigator that SPI gets new rental listings opening up on a regular  
13 basis, and that he should just keep checking the website for new postings, or in the alternative he  
14 could provide her with his contact information and SPI could call him if any listings meet his  
15 criteria.

16 34

17 As of July 29, 2013, SPI and WEST were still actively advertising residential  
18 properties for rent on the website and representing to the public that they were licensed by the  
19 Bureau. Additionally, the website posted a rental application for prospective tenants. On or  
20 about July 23, 2013 and July 30, 2013, a Bureau Special Investigator spoke with WEST about  
21 the property management activities engaged in by SPI and WEST and advertised on the website.  
22 WEST admitted to continuing to conduct the activities described in paragraph 7, above, despite  
23 not having a real estate broker license, and despite SPI not having a designated officer broker.  
24 WEST admitted to the Investigator to continuing to collect rents, paying owners and negotiating  
25 leases.

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Despite WEST not having an individual real estate broker license and SPI not having a designated officer broker, from May 10, 2013 through September 24, 2013, SPI and WEST performed the activities identified in paragraph 7, above, for the property owner known as the Clyde Agee Administrative Trust ("Owner"). SPI and WEST collected fees from the Owner for management services pertaining to residential properties during a time when neither SPI nor WEST was authorized by the Bureau to conduct licensed activity, identified as follows:

Property	Management Fee	Date Charged to Owner
1888 Branstetter Ln.	\$40.00	06/07/13
	\$14.00	06/28/13
	\$54.00	07/08/13
	\$28.00	08/06/13
	\$40.00	09/07/13
1890 Branstetter Ln.	\$63.60	07/08/13
	\$31.60	08/01/13
	\$32.00	09/05/13
1892 Branstetter Ln.	\$40.00	05/15/13
	\$6.00	06/03/13
	\$46.00	06/03/13
	\$46.00	07/01/13
	\$46.00	08/01/13
	\$46.00	09/04/13
1894 Branstetter Ln.	\$17.28	06/06/13
	\$65.44	06/07/13
	\$50.00	07/03/13

	\$50.00	08/02/13
	\$50.00	09/05/13
1896 Branstetter Ln.	\$47.60	06/05/13
	\$47.60	07/03/13
	\$47.60	08/02/13
	\$47.60	09/04/13
1920 Branstetter Ln.	\$80.00	07/05/13
	\$48.00	08/23/13
1922 Branstetter Ln.	\$62.00	05/10/13
1924 Branstetter Ln.	\$49.80	06/05/13
	\$46.00	07/05/13
	\$46.00	08/05/13
	\$46.00	09/04/13

**Total Fees Collected from Owner While Unlicensed**      **\$1,334.12**

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The acts and/or omissions of SPI and WEST identified in paragraphs 31 through 35, above, constitute violations of Sections 10130 (Real Estate License Required) and 10131(b) (Broker Activity –Property Management) of the Code, and constitute grounds for the suspension or revocation of all licenses and license rights of SPI and WEST pursuant to Sections 10177(d) and/or 10177(g) of the Code.

COST RECOVERY

Audit Costs

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The acts and/or omissions of Respondent KING as alleged in the First Cause for Discipline, above, and the acts and/or omissions of Respondents SPI and KING as alleged in the

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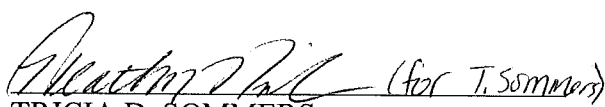
2 Second Cause for Discipline, above, entitle the Bureau to reimbursement of the costs of its audits  
3 pursuant to Section 10148(b) (audit costs for trust fund handling violations) of the Code.

4 Investigation and Enforcement Costs

5 38

6 Section 10106 of the Code provides, in pertinent part, that in any order issued in  
7 resolution of a disciplinary proceeding before the Bureau, the Commissioner may request the  
8 Administrative Law Judge to direct a licensee, including a licensee that is a corporation, found to  
9 have committed a violation of this part to pay a sum not to exceed the reasonable costs of the  
10 investigation and enforcement of the case.

11 WHEREFORE, Complainant prays that a hearing be conducted on the allegations  
12 of this Accusation and that upon proof thereof, a decision be rendered revoking all licenses and  
13 license rights of all Respondents named herein under the Real Estate Law (Part 1 of Division 4  
14 of the Business and Professions Code), for the cost of investigation and enforcement as  
15 permitted by law, for the cost of the audits as permitted by law, and for such other and further  
16 relief as may be proper under other provisions of law.

17  
18  (for T. Sommers)  
19 TRICIA D. SOMMERS  
Supervising Special Investigator

20 Dated at Sacramento, California,  
21 this 27<sup>th</sup> day of March, 2014.

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