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DEPARTMENT OF REAL ESTATE

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Department of Real Estate
 P. O. Box 137007
 Sacramento, CA 95813-7007
 Telephone: (916) 263-8679

BEFORE THE BUREAU OF REAL ESTATE
 STATE OF CALIFORNIA

* * *

To:)	No. H-6745 SAC
)	
LOIS CAMILLE MOWAT)	<u>ORDER TO DESIST AND REFRAIN</u>
)	(B & P Code Section 10086)
Respondent.)	

The Real Estate Commissioner of the State of California (“Commissioner”) has caused an investigation to be made of the activities of LOIS CAMILLE MOWAT (“Respondent”), including engaging in the business of, acting in the capacity of, advertising, or assuming to act as a real estate broker in the State of California within the meaning of Section 10131(d) (soliciting, negotiating and/or servicing loans) of the California Business & Professions Code (“Code”), and engaging in the business of, acting in the capacity of, advertising, or assuming to act as a mortgage loan originator within the meaning of Section 10166.01(b) (definition of mortgage loan originator) of the Code.

Based upon the findings of that investigation, as set forth below, the Commissioner has determined and is of the opinion that Respondent has violated Section 10131(d) of the Code by soliciting borrowers or lenders and/or performing services for borrowers or lenders or note owners in connection with loans secured directly or collaterally by liens on real property or on a business opportunity for or in expectation of compensation, without first having obtained a

1 real estate broker license from the California Department of Real Estate ("the Department").

2 Furthermore, based upon the findings of the Department's investigation, as set forth
3 below, the Commissioner has determined and is of the opinion that Respondent has violated
4 Section 10166.02 of the Code by engaging in the business as a mortgage loan originator
5 without first having obtained a real estate license endorsement identifying Respondent as a
6 licensed mortgage loan originator.

7 FINDINGS OF FACT

8 1. On April 1, 1980, Respondent was licensed by the Department as a real estate
9 broker.

10 2. Effective December 26, 2003, in Case No. H-8349 SF, the Commissioner revoked
11 Respondent's real estate broker license, and granted Respondent a restricted real estate broker
12 license for violating Sections 10145 (trust fund violations), 10145(d) (failure to meet deposit
13 requirements), 10232(e) (failure to satisfy threshold reporting requirements), 10232.2(a)
14 (failure to satisfy annual reporting requirements), 10232.2(c) (failure to satisfy annual reporting
15 requirements), 10232.25(a) (no trust fund status reports), and 10232.4(a) (no delivery of
16 disclosure statement) of the Code, in conjunction with Sections 2831 (failure maintain written
17 control records), 2831.2 (failure to maintain monthly trust account reconciliations), 2832.1
18 (trust fund handling for multiple beneficiaries), 2732(a) (trust fund handling), and 2846.5
19 (report of annual trust fund account review) of Title 10, California Code of Regulations ("the
20 Regulations").

21 3. Effective August 31, 2007, in Case No. H-9818 SF, the Commissioner suspended
22 for 120 days Respondent's restricted real estate broker license for violating Sections 10145,
23 10231.1 (retention of funds longer than 25 days), 10240/10241 (no written disclosure
24 statement), 10238(f) (no exemptions for securities qualifications), and 10238(k) (no
25 exemptions for securities qualifications) of the Code, in conjunction with Sections 2726 (no
26 broker-salesperson agreements) 2831, 2831.1 (failure to keep separate records for each
27 beneficiary), and 2831.2 of the Regulations.

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4. On December 25, 2015, Respondent's restricted broker license expired.

5. On or after December 25, 2015; Respondent engaged in the business of, act in the capacity of, or assume to act as a real estate broker within the State of California within the meaning of Section 10131(d) of the Code by soliciting borrowers and/or performing services for borrowers or lenders or note owners in connection with loans secured directly or collaterally by liens on real property or on a business opportunity for or in expectation of compensation, without first having obtained a real estate broker license from the Department.

6. On or after December 25, 2015, Respondent engaged in the business of, acted in the capacity of, or assumed to act as a mortgage loan originator within the State of California within the meaning of Section 10166.01(b) of the Code, including taking a residential mortgage loan application and/or offering or negotiating terms of a residential mortgage loan for compensation or gain, without having first obtained a mortgage loan originator license endorsement from the Department.

7. On or about January 19, 2016, and continuing up to at least January 22, 2016, Respondent solicited and/or performed services for borrowers Guy P. and Terry P., individuals who at all relevant times resided in California, in connection with a residential loan secured directly or collaterally by a lien on real property commonly known as 108 Patterson Blvd., Pleasant Hill, California 94523.

8. On or about November 21, 2015, and continuing up to at least January 25, 2016, Respondent solicited and/or performed services for borrowers H J Concord, LLC, a California Corporation, in connection with a residential loan secured directly or collaterally by a lien on real property commonly known as 3979 Concord Blvd., Concord, California 94519.

9. On or about March 31, 2016, and continuing up to at least May 1, 2016, Respondent solicited and/or performed services for borrower Andy L., in connection with a residential loan secured directly or collaterally by a lien on real property commonly known as 1752 Manor Boulevard, San Leandro, California 94579.

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1 10. Beginning November 7, 2017, and continuing intermittently until December 7,
2 2017, the Department conducted an audit of the books and records related to the company
3 commonly known as "Real Estate Financing," located at 19 Bates Blvd., Orinda, California
4 94563. During the audit, Respondent admitted to the Department's auditor that Respondent
5 had been servicing for compensation private investor funded loans under the fictitious business
6 name "Real Estate Financing" from the time her license expired on December 25, 2015, until
7 September 28, 2016.

8 CONCLUSIONS OF LAW

9 1. Based on the Findings of Fact contained in Paragraphs 1 through 9, Respondent
10 solicited and/or performed services for borrowers, in connection with residential loans secured
11 directly or collaterally by liens on real property or on a business opportunity, for or in
12 expectation of a compensation, without first obtaining a mortgage loan originator license
13 endorsement, in violation of Section 10166.02(b) of the Code.

14 2. Based on the Findings of Fact contained in Paragraphs 1 through 10, Respondent
15 solicited and/or performed services for borrowers, in connection with residential loans secured
16 directly or collaterally by liens on real property or on a business opportunity, for or in
17 expectation of a compensation, without first obtaining a real estate broker license in violation
18 of Section 10131(d) the Code.

19 DESIST AND REFRAIN ORDER

20 Now, therefore LOIS CAMILLE MOWAT IS HEREBY ORDERED to immediately
21 desist and refrain from:

22 (a) engaging in business within the State of California as a mortgage loan
23 originator, unless and until she obtains a real estate license endorsement identifying her as a
24 licensed mortgage loan originator; and

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1 (b) soliciting borrowers or lenders and/or performing services for borrowers or
2 lenders or note owners in connection loans secured directly or collaterally by liens on real
3 property or on a business opportunity for or in expectation of compensation without first
4 obtaining a real estate broker license issued by the Department.

5 DATED: January 10, 2019

7 DANIEL J. SANDRI
8 ACTING REAL ESTATE COMMISSIONER

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10  _____

11 **Notice:** Business and Professions Code Section 10139 provides that, "Any person
12 acting as a real estate broker or real estate salesperson without a license or who advertises using
13 words indicating that he or she is a real estate broker without being so licensed shall be guilty
14 of a public offense punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by
15 imprisonment in the county jail for a term not to exceed six months, or by both fine and
16 imprisonment; or if a corporation, be punished by a fine not exceeding sixty thousand dollars
17 (\$60,000)..."