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JAN 11 2019

DEPARTMENT OF REAL ESTATE
By 

1 Department of Real Estate
2 P. O. Box 137007
3 Sacramento, CA 95813-7007
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8 Telephone: (916) 263-8670

8 **BEFORE THE DEPARTMENT OF REAL ESTATE**
9 **STATE OF CALIFORNIA**

10 * * * *

11 To:

12 **LOIS CAMILLE MOWAT**

No. H-6776 SAC

PRELIMINARY BAR ORDER
AND NOTICE OF INTENTION TO
ISSUE BAR ORDER

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15 **TO: LOIS CAMILLE MOWAT**
16 **19 Bates Blvd.**
17 **Orinda, CA 94563**

18 Pursuant to Section 10087 of the California Business and Professions Code ("Code"),
19 **LOIS CAMILLE MOWAT ("MOWAT")** is hereby notified of the intention of the California
20 Real Estate Commissioner ("Commissioner") to issue a Bar Order pursuant to Section
21 10087(a)(2) of the Code on the following grounds:

22 1. Effective December 26, 2003, in Case No. H-8349 SF, the Commissioner
23 revoked MOWAT's real estate broker license and granted MOWAT a restricted real estate
24 broker license for violating Sections 10145 (trust fund violations), 10145(d) (failure to meet
25 deposit requirements), 10232(e) (failure to satisfy threshold reporting requirements),
26 10232.2(a) (failure to satisfy annual reporting requirements), 10232.2(c) (failure to satisfy
27 annual reporting requirements), 10232.25(a) (no trust fund status reports), and 10232.4(a) (no

1 delivery of disclosure statement) of the Code, in conjunction with Sections 2831 (failure
2 maintain written control records), 2831.2 (failure to maintain monthly trust account
3 reconciliations), 2832.1 (trust fund handling for multiple beneficiaries), 2732(a) (trust fund
4 handling), and 2846.5 (report of annual trust fund account review) of Title 10, California Code
5 of Regulations ("the Regulations").

6 2. Effective August 31, 2007, in Case No. H-9818 SF, the Commissioner
7 suspended for 120 days MOWAT's restricted real estate broker license for violating Sections
8 10145, 10231.1 (retention of funds longer than 25 days), 10240/10241 (no written disclosure
9 statement), 10238(f) (no exemptions for securities qualifications), and 10238(k) (no
10 exemptions for securities qualifications) of the Code, in conjunction with Sections 2726 (no
11 broker-salesperson agreements) 2831, 2831.1 (failure to keep separate records for each
12 beneficiary), and 2831.2 of the Regulations.

13 3. On December 25, 2015, MOWAT's restricted broker license expired.

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

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

23 6. On or about March 31, 2016, and continuing up to at least May 1, 2016,
24 MOWAT solicited and/or performed services for borrower Andy L., in connection with a
25 residential loan secured directly or collaterally by a lien on real property commonly known as
26 1752 Manor Boulevard, San Leandro, California 94579.

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1 7. 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, MOWAT admitted to the Department's auditor that MOWAT had
5 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 8. The activities of MOWAT, as described above in Paragraphs 3 through 7,
9 required a real estate broker license, during a period of time when MOWAT did not hold a real
10 estate broker license, in violation of Section 10131(d) of the Code.

11 9. The activities of MOWAT, as described above in Paragraphs 3 through 6,
12 required a mortgage loan originator license endorsement, during a period of time when
13 MOWAT did not hold a mortgage loan originator license endorsement, in violation of Section
14 10166.02(b) of the Code.

15 10. On or about January 10, 2019, in Case No. H-6745 SAC, the Department issued
16 a Desist and Refrain Order against MOWAT for the acts and/or omissions described above in
17 Paragraphs 1 through 9.

18 11. A Bar Order is in the public interest in that MOWAT has violated provisions of
19 the Code, which violations were known to MOWAT, or should have been known to her.

20 Please take notice that the Commissioner seeks to bar and prohibit MOWAT, for a
21 period of thirty-six (36) months, from the effective date of the Bar Order, from engaging in any
22 of the following activities in the State of California:

23 (A) Holding any position of employment, management, or control in a real
24 estate business;

25 (B) Participating in any business activity of a real estate salesperson or a real
26 estate broker;

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- 1 (C) Engaging in any real estate related business activity on the premises where
2 a real estate salesperson or real estate broker is conducting business; and,
3 (D) Participating in any real estate related business activity of a finance lender,
4 residential mortgage lender, bank credit union, escrow company, title
5 company, or underwritten title company.

6 **YOU ARE IMMEDIATELY PROHIBITED FROM ENGAGING IN ANY BUSINESS**
7 **ACTIVITY INVOLVING REAL ESTATE THAT IS SUBJECT TO REGULATIONS UNDER**
8 **THE REAL ESTATE LAW.**

9 **NOTICE OF RIGHT AND OPPORTUNITY FOR A HEARING**

10 Pursuant to Section 10087 of the Code, you have the right to request a hearing under the
11 California Administrative Procedure Act (Chapter 4.5 – commencing with Section 11400 of the
12 Government Code). If you desire a hearing, you must submit a written request within fifteen
13 (15) days after the mailing or service of this “Notice of Intention to Issue Bar Order and
14 Preliminary Bar Order.” The request may be in any form provided it is in writing, includes your
15 current return address, indicates that you want a hearing, is signed by you or on your behalf, and
16 is mailed to the Department of Real Estate, P. O. Box 137007, Sacramento, California 95815-
17 7007, attention: Legal Section; or, delivered personally to the offices of the Department of Real
18 Estate, 1651 Exposition Blvd., Sacramento, California.

19 If no hearing is requested within said fifteen (15) day time period, your failure to request
20 a hearing shall constitute a waiver of the right to a hearing.

21 It is so ordered this 10th day of January, 2019.

22 DANIEL J. SANDRI
23 ACTING REAL ESTATE COMMISSIONER

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