

1 Department of Real Estate  
2 P. O. Box 137007  
3 Sacramento, CA 95813-7007

4 Telephone: (916) 576-8700

**FILED**

**February 19, 2019**

DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \* \*

To:

LOIS CAMILLE MOWAT

No. H-6776 SAC

BAR ORDER  
(B&P Code § 10087)

TO: LOIS CAMILLE MOWAT  
19 Bates Blvd.  
Orinda, CA 94563

Pursuant to Section 10087(b) of the California Business and Professions Code ("Code"), LOIS CAMILLE MOWAT ("MOWAT") was notified on January 13, 2019, of the intention of the California Real Estate Commissioner ("Commissioner") to issue a Bar Order pursuant to Section 10087(a)(1) and 10087(a)(2) of the Code. MOWAT failed to request a hearing in writing within fifteen (15) days of service of the *Preliminary Bar Order and Notice of Intention to Issue Bar Order*.

Pursuant to the authority granted by Section 10087 of the Code, and after review and consideration of the following facts, the Commissioner makes the following:

FINDINGS OF FACT

1. Effective December 26, 2003, in Case No. H-8349 SF, the Commissioner revoked MOWAT's real estate broker license and granted MOWAT a restricted real estate

1 broker license for violating Sections 10145 (trust fund violations), 10145(d) (failure to meet  
2 deposit requirements), 10232(e) (failure to satisfy threshold reporting requirements),  
3 10232.2(a) (failure to satisfy annual reporting requirements), 10232.2(c) (failure to satisfy  
4 annual reporting requirements), 10232.25(a) (no trust fund status reports), and 10232.4(a) (no  
5 delivery of disclosure statement) of the Code, in conjunction with Sections 2831 (failure to  
6 maintain written control records), 2831.2 (failure to maintain monthly trust account  
7 reconciliations), 2832.1 (trust fund handling for multiple beneficiaries), 2732(a) (trust fund  
8 handling), and 2846.5 (report of annual trust fund account review) of Title 10, California Code  
9 of Regulations (“the Regulations”).

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

17       3.       On December 25, 2015, MOWAT’s restricted broker license expired.

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

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

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1           6.       On or about March 31, 2016, and continuing up to at least May 1, 2016,  
2 MOWAT solicited and/or performed services for borrower Andy L., in connection with a  
3 residential loan secured directly or collaterally by a lien on real property commonly known as  
4 1752 Manor Boulevard, San Leandro, California 94579.

5           7.       Beginning November 7, 2017, and continuing intermittently until December 7,  
6 2017, the Department conducted an audit of the books and records related to the company  
7 commonly known as "Real Estate Financing," located at 19 Bates Blvd., Orinda, California  
8 94563. During the audit, MOWAT admitted to the Department's auditor that MOWAT had  
9 been servicing for compensation private investor funded loans under the fictitious business  
10 name "Real Estate Financing" from the time her license expired on December 25, 2015, until  
11 September 28, 2016.

12           8.       The activities of MOWAT, as described above in Paragraphs 4 through 7,  
13 required a real estate broker license, during a period of time when MOWAT did not hold a real  
14 estate broker license, in violation of Section 10131(d) of the Code.

15           9.       The activities of MOWAT, as described above in Paragraphs 4 through 6,  
16 required a mortgage loan originator license endorsement, during a period of time when  
17 MOWAT did not hold a mortgage loan originator license endorsement, in violation of Section  
18 10166.02(b) of the Code.

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

22           11.      On or about January 13, 2019, in Case No. H-6776 SAC, the Department  
23 personally served MOWAT with a *Preliminary Bar Order and Notice of Intention to Issue Bar*  
24 *Order*.

25           12.      MOWAT failed to request a hearing in writing within fifteen (15) days of  
26 service of the *Preliminary Bar Order and Notice of Intention to Issue Bar Order*.

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1 CONCLUSIONS OF LAW

2 Based on the findings set forth above, the Commissioner has determined that:

- 3 1. A Bar Order is in the public interest;
- 4 2. MOWAT knowingly committed violations of the Real Estate Law; and,
- 5 3. The violations of Real Estate Law by MOWAT have caused material
- 6 damage to the public.

7 ORDER

8 NOW, THEREFORE, IT IS ORDERED, pursuant to the authority of Section

9 10087 of the Code, that LOIS CAMILLE MOWAT, is hereby barred and prohibited for a period

10 of thirty-six (36) months from the effective date of this Bar Order, from engaging in any of the

11 following activities in the State of California:

- 12 (A) Holding any position of employment, management, or control in a real
- 13 estate business;
- 14 (B) Participating in any business activity of a real estate salesperson or a real
- 15 estate broker;
- 16 (C) Engaging in any real estate related business activity on the premises
- 17 where a real estate salesperson or real estate broker is conducting
- 18 business; and,
- 19 (D) Participating in any real estate related business activity of a finance
- 20 lender, residential mortgage lender, bank, credit union, escrow company,
- 21 title company, or underwritten title company.

22 THIS BAR ORDER IS EFFECTIVE IMMEDIATELY.

23 It is so ordered on February 14, 2019.

24 DANIEL J. SANDRI  
25 ACTING REAL ESTATE COMMISSIONER

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NOTICE

Pursuant to Section 10185 of the Business and Professions Code: Any person, including officers, directors, agents or employees of corporations, who willfully violates or knowingly participates in the violation of this (Bar Order) shall be guilty of a misdemeanor punishable by a fine not exceeding ten thousand dollars (\$10,000), or by imprisonment in the county jail not exceeding six months, or by a fine and imprisonment.