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FILED

APR 06 2001

DEPARTMENT OF REAL ESTATE

By *[Signature]*

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of	)	
	)	No. H-7351 SF
JAMES ROBERT LAVEY,	)	
	)	
Respondent.	)	
	)	

ORDER GRANTING REINSTATEMENT OF LICENSE

On December 19, 1996, an Order was rendered herein revoking the real estate broker license of Respondent, but granting Respondent the right to the issuance of a restricted real estate broker license. A restricted real estate broker license was issued to Respondent on February 13, 1997, and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

On March 10, 2000, Respondent petitioned for reinstatement of said real estate broker license, and the Attorney General of the State of California has been given notice of the filing of said petition.

///

1 I have considered the petition of Respondent and the  
2 evidence and arguments in support thereof including Respondent's  
3 record as a restricted licensee. Respondent has demonstrated to  
4 my satisfaction that Respondent meets the requirements of law for  
5 the issuance to Respondent of an unrestricted real estate broker  
6 license and that it would not be against the public interest to  
7 issue said license to Respondent.

8 NOW, THEREFORE, IT IS ORDERED that Respondent's  
9 petition for reinstatement is granted and that a real estate  
10 broker license be issued to Respondent if Respondent satisfies  
11 the following condition within nine months from the date of this  
12 Order:

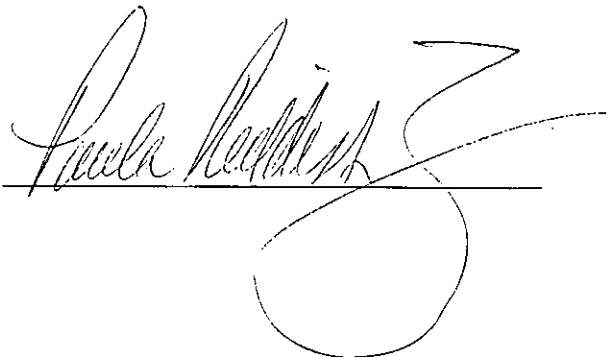
13 1. Submittal of a completed application and payment of  
14 the fee for a real estate broker license.

15 This Order shall be effective immediately.

16 DATED: March 28, 2001

17 PAULA REDDISH ZINNEMANN  
18 Real Estate Commissioner

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1 I have considered the petition of Respondent and the  
2 evidence and arguments in support thereof including Respondent's  
3 record as a restricted licensee. Respondent has demonstrated to  
4 my satisfaction that Respondent meets the requirements of law for  
5 the issuance to Respondent of an unrestricted real estate  
6 salesperson license and that it would not be against the public  
7 interest to issue said license to Respondent.

8 NOW, THEREFORE, IT IS ORDERED that Respondent's petition  
9 for reinstatement is granted and that a real estate salesperson  
10 license be issued to Respondent, if Respondent satisfies the  
11 following conditions within six months from the date of this  
12 Order:

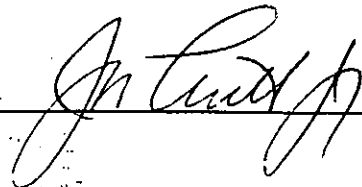
13 1. Submittal of a completed application and payment of  
14 the fee for a real estate salesperson license.

15 2. Submittal of evidence of having, since the most  
16 recent issuance of an original or renewal real estate license,  
17 taken and successfully completed the continuing education  
18 requirements of Article 2.5 of Chapter 3 of the Real Estate Law  
19 for renewal of a real estate license.

20 This Order shall be effective immediately.

21  
22 DATED: 7/13, 1998.

23 JIM ANTT, JR.  
24 Real Estate Commissioner

25  
26   
27





III

The Complainant, Les R. Bettencourt, a Deputy Real Estate Commissioner of the State of California, made this Accusation against PIG, INC. in his official capacity and not otherwise.

IV

At all times herein mentioned, JAMES ROBERT LAVEY, (hereafter LAVEY) was and is licensed by the Department as a real estate broker, and also as the designated broker officer of PIG, INC. At all times herein mentioned, LAVEY was the owner of twenty-five percent of the shares of PIG, INC., and was President and chief executive officer of the company. Respondent LAVEY directed and controlled PIG, INC.'s business activities and conducted its affairs.

V

At all times herein mentioned, EMIL WILLIAM OXSEN (hereafter OXSEN) was and is licensed by the Department as a real estate salesperson. At all times herein mentioned, OXSEN was the owner of twenty-five percent of the shares of PIG, INC., and was Vice-President of the company.

VI

Within the three years last past, PIG, INC. engaged in the business of and acted in the capacity of a real estate broker in California within the meaning of Section 10131(d) and/or 10131(e) of the Code wherein lenders, investors and/or borrowers were solicited for loans secured directly or collaterally by liens on real property, wherein such loans were arranged, negotiated, processed, consummated, and serviced on behalf of others; and wherein promissory notes secured directly or collaterally by liens on real property were sold or exchanged on behalf of others, for or in expectation of compensation.

FINDINGS AS TO FIRST CAUSE OF ACTION-----  
(Trust Fund-Related Violations)

VII

Beginning in or about May through July of 1995, the Department conducted an audit of PIG, INC.'s books and records pertaining to the above mortgage loan business for a period to approximately March 31, 1995. In acting as a mortgage loan broker as alleged above, Respondent PIG, INC. accepted or received funds in trust from borrowers, lenders and investors in connection with the solicitation, negotiation, processing and funding of loans on their behalf.

VIII

The trust funds accepted or received by PIG, INC. were deposited or caused to be deposited from time to time into bank accounts

that were not designated as trust accounts at Community First National Bank at 749 Main Street, Pleasanton, California, named and numbered as follows:

(1) Account No. 1040391 - Pioneer Investment Group, Inc., DBA Pioneer Property Management; and

(2) Account No. 1040405 - Private Investment Services, Inc., DBA Pioneer Property Management.

## IX

In connection with the collection and disbursement of the trust funds, Respondent PIG, INC.:

(1) Failed to maintain the above bank accounts as trust accounts in the name of the broker as trustee, as required by Section 10145 of the Code, and Section 2830 of Title 10, California Code of Regulations (hereafter the Regulations).

(2) Failed to maintain a control account of all receipts and disbursements of trust funds received but not placed into the broker's trust account, containing all information required by Section 2831 of the Regulations.

(3) Failed to reconcile the balance of all separate beneficiary or transaction records with the record of all trust funds received and disbursed at least once a month, and/or failed to maintain any written record of any such reconciliations as required by Section 2831.2 of the Regulations.

(4) Permitted withdrawal authority from the above bank accounts used for the handling of trust funds on the signature(s) of Emil William Oxsen, Carol Morengo, and Michael Rex Wolfgram without specific written authorization in writing from LAVEY as required by Section 2834 of the Regulations.

(5) Failed to maintain written agreements with each of the company's salespersons, whether licensed as a salesperson or as a broker under a broker-salesperson arrangement, covering material aspects of the relationship between the parties as required by Section 2726 of the Regulations.

(6) Failed to prepare and deliver to lenders or investors, or cause to be delivered, a written lender/purchaser disclosure statement as required by Section 10232.4 of the Code prior to each lender or note purchaser becoming obligated to make the loan or purchase, or prior to PIG, INC.'s receipt of the loan/purchase funds, and/or failed to retain copies of such statements with the records of the company.

(7) Commingled general funds of a shareholder, JACK MATTHEWS LAVEY, with the trust funds, including but limited to the sum of \$7,500 in personal loan funds so commingled on or about May 14, 1993.

X

Beginning in or about May, 1995, and continuing through the present, Respondent PIG, INC. failed to retain and make available for examination and inspection by a designated representative of the Commissioner of the Department, all documents executed or obtained by them in connection with transactions for which a real estate license is required, including but not limited to any and all separate beneficiary or transaction records relating to JACK MATTHEWS LAVEY loans.

FINDINGS AS TO SECOND CAUSE OF ACTION  
(Sycamore Road Lot #1 Loan)

XI

On or about June 6, 1994, LAVEY loaned PIG, INC. the sum of \$365,000, evidenced by a promissory note and secured by a deed of trust to real property located at and known as Lot #1, Sycamore Road, Pleasanton, California.

XII

Beginning in or about June of 1994, PIG, INC. negotiated and arranged the sale of assignments of fractional interests in the above note and deed of trust on behalf of LAVEY. Respondent solicited, negotiated and sold fractional interests in the loan, including but not limited to the following:

INVESTOR	AMOUNT	DATE PAID IN
Arcane	\$10,000	6/30/94
Hansen	21,000	6/30/94
Reeve	30,000	10/3/94
Reeve	35,000	10/20/94
Gouch	12,000	6/21/94
Herlihy	8,000	11/7/94

XIII

In connection with the above sales of interests in the Lot #1, Sycamore Road loan, PIG, INC. expressly or impliedly represented to investors, including but not limited to William and Betty Hansen, and William and Kathryn Herlihy, that the above note and deed of trust was a second deed of trust on the property, and failed to disclose to each investor that the loan was in fact a third note and deed of trust against the property.

XIV

PIG, INC. accepted or caused the acceptance of funds from the above investors to be applied to a purchase or loan transaction in which

the broker would directly or indirectly obtain the use or benefit of the funds, and failed to prepare and deliver to the investors, or cause to be delivered, a written lender/purchaser disclosure statement, as required by Section 10231.2(b) of the Code, not less than 24 hours before the earlier of the acceptance of any funds or the execution of the documents obligating each investor or note purchaser to make the loan or purchase, and/or failed to retain copies of such statements with the records of the company.

XV

PIG, INC. failed to notify the Department of the above broker-benefit loan and failed to provide a copy of the written lender/purchaser disclosure statement to the Department prior to making any representations, solicitations or presentations to the investors as required by Section 10231.2(a) of the Code.

XVI

PIG, INC. failed to record the deed of trust securing the promissory note, and failed to record the assignments of interests in the promissory note and deed of trust to investors with the county recorder prior to disbursement of the funds, or within 10 working days after receipt of the funds from each investor, and/or failed to deliver the trust deed or an assignment of trust deed to each investor or purchaser with a written recommendation that the assignment thereof be recorded forthwith, including but not limited to the following:

INVESTORS	DATE DISBURSED	DEED OF TRUST RECORDED	ASSIGNMENT RECORDED
ARCANE	6/30/94	9/26/94	11/22/94
HANSEN	6/30/94	9/26/94	11/22/94
REEVE	10/94	9/26/94	11/22/94
GOUCH	6/21/94	9/26/94	11/22/94
HERLIHY	11/10/94-1/95	9/26/94	11/22/94

XVII

PIG, INC. failed to disclose to each investor that they did not intend to and did not timely record the above deed of trust, and the above assignment of deed of trust as to each investor's interest as required by Section 10234 of the Code.

FINDINGS AS TO THIRD CAUSE OF ACTION  
(Sycamore Road Lot #3 Loan)

XVIII

On or about June 6, 1994, LAVEY loaned PIG, INC. the sum of \$365,000, evidenced by a promissory note and secured by a deed of trust to

real property located at and known as Lot #3, Sycamore Road, Pleasanton, California.

XIX

Beginning in or about June of 1994, Respondent PIG, INC. negotiated and arranged the sale of assignments of fractional interests in the above note and deed of trust on behalf of LAVEY. Respondent solicited, negotiated and sold fractional interests in the loan, including but not limited to the following:

INVESTOR	AMOUNT	DATE PAID IN
Arcane	\$10,000	6/30/94
Armbruster	35,000	6/30/94
Lack	15,000	8/94
Reed	10,000	6/30/94
Reyes	30,000	7/14/94
Booth	27,000	9/94-10/7/94
Nelson	13,000	6/21/94
Herlihy	100,000	8/3/94

XX

PIG, INC. accepted or caused the acceptance of funds from the above investors to be applied to a purchase or loan transaction in which the broker will directly or indirectly obtain the use or benefit of the funds, and failed to prepare and deliver to the investors, or cause to be delivered, a written lender/purchaser disclosure statement, as required by Section 10231.2(b) of the Code, not less than 24 hours before the earlier of the acceptance of any funds or the execution of the documents obligating each investor or note purchaser to make the loan or purchase, and/or failed to retain copies of such statements with the records of the company.

XXI

PIG, INC. failed to notify the Department of the above broker-benefit loan and failed to provide a copy of the written lender/purchaser disclosure statement to the Department prior to making any representations, solicitations or presentations to the investors as required by Section 10231.2(a) of the Code.

XXII

PIG, INC. failed to record the deed of trust securing the promissory note, and failed to record the assignment of interests in the promissory note and deed of trust to investors, with the county recorder prior to disbursement of the funds, or within 10 working days after receipt of the funds from each investor, and/or failed to deliver the trust deed or assignment of trust deed to each investor or purchaser with

a written recommendation that the assignment thereof be recorded forthwith, including but not limited to the following:

INVESTORS	DATE DISBURSED	DEED OF TRUST RECORDED	ASSIGNMENT RECORDED
Arcane	6/30/94	8/3/94	10/20/94
Armbruster	6/30/94	8/3/94	10/20/94
Lack	8/94	8/3/94	11/22/94
Reed	6/30/94	8/3/94	10/20/94
Reyes	7/14/94	8/3/94	10/20/94
Booth	9/94-10/7/94	8/3/94	10/20/94
Nelson	6/21/94	8/3/94	10/20/94
Herlihy	8/94-9/30/94	8/3/94	10/20/94

XXIII

PIG, INC. failed to disclose to each investor that they did not intend to and did not timely record the above deed of trust, and the above assignments of deed of trust as to each investor's interest as required by Section 10234 of the Code.

DETERMINATION OF ISSUES

I

The acts and/or omissions of Respondent PIG, INC. as found above regarding the first cause of action constitute grounds for disciplinary action under the following provisions:

- (1) As to Paragraph X above, under Section 10148 of the Code in conjunction with Section 10177(d) of the Code.
- (2) As to Paragraph IX(1), under Section 10145 of the Code, and Section 2830 the Regulations in conjunction with Section 10177(d) of the Code.
- (3) As to Paragraph IX(2), under Section 2831 of the Regulations in conjunction with Section 10177(d) of the Code.
- (4) As to Paragraph IX(3), under Section 2831.2 of the Regulations in conjunction with Section 10177(d) of the Code.
- (5) As to Paragraph IX(4), under Section 2834 of the Regulations in conjunction with Section 10177(d) of the Code.
- (6) As to Paragraph IX(5), under Section 2726 of the Regulations in conjunction with Section 10177(d) of the Code.
- (7) As to Paragraph IX(6), under Section 10232.4 of the Code in conjunction with Section 10177(d) of the Code.

- (8) As to Paragraph IX(7), under Section 10176(e) of the Code, and Section 2835 of the Regulations in conjunction with Section 10177(d) of the Code.

II

The acts and/or omissions of Respondent PIG, INC. as found above regarding the second cause of action constitute grounds for disciplinary action under the following provisions:

- (1) As to Paragraphs XV, XVIII and XIX above, under the provisions of Sections 10176(a) and 10176(i) of the Code.
- (2) As to Paragraphs XVI, XVII, and XVIII violate Sections 10231.2(b), 10231.2(a), and 10234 of the Code, and constitute grounds for disciplinary action under the provisions of Section 10177(d) of the Code.

III

The acts and/or omissions of Respondent PIG, INC. as found above regarding the third cause of action constitute grounds for disciplinary action under the following provisions:

- (1) As to Paragraphs XXVI and XXVII above, under the provisions of Sections 10176(a) and 10176(i) of the Code.
- (2) As to Paragraphs XXIV, XXV, and XXVI above violate Sections 10231.2(b), 10231.2(a), and 10234 of the Code, and constitute grounds for disciplinary action under the provisions of Section 10177(d) of the Code.

IV

The standard of proof applied was clear and convincing proof to a reasonable certainty.

ORDER

The license(s) and license rights of Respondent PIONEER INVESTMENT GROUP, INC. under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on

March 17, 1997.

DATED: 2-6, 1997.

JAMES ANTT, JR.  
Real Estate Commissioner



1 Department of Real Estate  
2 P. O. Box 187000  
3 Sacramento, California 95818-7000  
4 Telephone: (916) 227-0789

**FILED**  
DEC 12 1996  
DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 PIONEER INVESTMENT GROUP, INC., ) No. H-7351 SF  
13 Respondents. ) DEFAULT ORDER

14  
15 Respondent, PIONEER INVESTMENT GROUP, INC., having  
16 failed to file a Notice of Defense within the time required by  
17 Section 11506 of the Government Code, is now in default. It is,  
18 therefore, ordered that a default be entered on the record in this  
19 matter.

20 IT IS SO ORDERED 12/12/96, 1996

21  
22 JIM ANTT, JR.  
23 Real Estate Commissioner

24  
25 Steven J. Ellis  
26 By: STEVEN J. ELLIS  
27 Regional Manager

1 DEPARTMENT OF REAL ESTATE  
2 P. O. Box 187000  
3 Sacramento, CA 95818-7000  
4 Telephone: (916) 227-0789

FILED  
JAN 24 1997  
DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

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

11 \* \* \*

12 In the Matter of the Accusation of )  
13 )  
14 PIONEER INVESTMENT GROUP, INC., )  
15 JAMES ROBERT LAVEY, and )  
16 EMIL WILLIAM OXSEN, )  
17 Respondents. )

NO. H-7351 SF

STIPULATION AND AGREEMENT  
IN SETTLEMENT AND ORDER  
AS TO JAMES ROBERT LAVEY

18 It is hereby stipulated by and between JAMES ROBERT  
19 LAVEY only (Respondent), represented by Joseph M. Sweeney,  
20 Sweeney, Mason & Wilson, Attorneys at Law, and the Complainant,  
21 acting by and through Deidre L. Johnson, Counsel for the  
22 Department of Real Estate, as follows for the purpose of settling  
23 and disposing of the Accusation filed on April 30, 1996, in this  
24 matter:

25 1. All issues which were to be contested and all  
26 evidence which was to be presented by Complainant and Respondent  
27 at a formal hearing on the Accusation, which hearing was to be

1 held in accordance with the provisions of the California  
2 Administrative Procedures Act (APA), shall instead and in place  
3 thereof be submitted solely on the basis of the provisions of this  
4 Stipulation and Agreement in Settlement.

5           2. Respondent has received, read and understands the  
6 Statement to Respondent, the Discovery Provisions of the APA and  
7 the Accusation filed by the Department of Real Estate in this  
8 proceeding.

9           3. On May 15, 1996, Respondent filed his Notice of  
10 Defense pursuant to Section 11505 of the Government Code for the  
11 purpose of requesting a hearing on the allegations in the  
12 Accusation. Respondent hereby freely and voluntarily withdraws  
13 said Notice of Defense. Respondent acknowledges that he  
14 understands that by withdrawing said Notice of Defense he will  
15 thereby waive his right to require the Commissioner to prove the  
16 allegations in the Accusation at a contested hearing held in  
17 accordance with the provisions of the APA, and that he will  
18 waive other rights afforded to him in connection with the  
19 hearing such as the right to present evidence in defense of the  
20 allegations in the Accusation and the right to cross-examine  
21 witnesses.

22           4. Respondent, pursuant to the limitations set  
23 forth below, does not contest the factual allegations of the  
24 Accusation, and the Real Estate Commissioner shall not be required  
25 to provide further evidence of such allegations. A true copy of  
26 the Accusation is attached hereto as Annex A and incorporated  
27 herein by reference.





1 2726, 2830, 2831, 2831.2, 2834, and 2835 of Title 10, California  
2 Code of Regulations, and constitute grounds for disciplinary  
3 action against the real estate license(s) and license rights of  
4 Respondent under the provisions of Section 10177(d) of the Code.  
5 Said acts and or omissions further constitute grounds for  
6 disciplinary action under Sections 10176(a), 10176(i), 10177(g)  
7 and 10177(h) of the Code.

8 ORDER

9 The real estate broker license(s) and licensing rights  
10 of Respondent JAMES ROBERT LAVEY under the Real Estate Law are  
11 revoked; provided, however, a restricted real estate broker  
12 license shall be issued to Respondent pursuant to Section 10156.5  
13 of the Business and Professions Code if Respondent makes  
14 application therefor and pays to the Department of Real Estate the  
15 appropriate fee for the restricted license within 90 days from the  
16 effective date of this Decision. The restricted license issued to  
17 Respondent shall be subject to all of the provisions of Section  
18 10156.7 of the Business and Professions Code and to the following  
19 limitations, conditions and restrictions imposed under authority  
20 of Section 10156.6 of that Code:

- 21 (1) The restricted license issued to Respondent may  
22 be suspended prior to hearing by order of the  
23 Real Estate Commissioner in the event of  
24 Respondent's conviction or plea of nolo contendere  
25 to a crime which is substantially related to  
26 Respondent's fitness or capacity as a real estate  
27 licensee.

1 (2) The restricted license issued to Respondent may be  
2 suspended prior to hearing by Order of the Real  
3 Estate Commissioner on evidence satisfactory to the  
4 Commissioner that Respondent has violated the  
5 provisions of the California Real Estate Law, the  
6 Subdivided Lands Law, Regulations of the Real  
7 Estate Commissioner or conditions attaching to this  
8 restricted license.

9 (3) Respondent shall not be eligible to apply for the  
10 issuance of an unrestricted real estate license nor  
11 for the removal of any of the conditions,  
12 limitations or restrictions of a restricted license  
13 until three (3) years has elapsed from the  
14 effective date of this Decision.

15 (4) While the restricted license is in effect,  
16 Respondent shall not be eligible to serve as  
17 the officer designated by a corporate broker  
18 licensee pursuant to Section 10211 of the Code;

19 (5) Respondent shall, within nine (9) months from the  
20 effective date of this decision, present  
21 evidence satisfactory to the Real Estate  
22 Commissioner that he has, since the most recent  
23 issuance of an original or renewal real estate  
24 license, taken and successfully completed the  
25 continuing education requirements of Article 2.5  
26 of Chapter 3 of the Real Estate Law for renewal  
27 of a real estate license. If Respondent fails

1 to satisfy this condition, the Commissioner may  
2 order the suspension of the restricted license  
3 until the Respondent presents such evidence.  
4 The Commissioner shall afford Respondent the  
5 opportunity for hearing pursuant to the  
6 Administrative Procedure Act to present such  
7 evidence.

8 (6) Respondent shall, within six (6) months from the  
9 effective date of this Decision, take and pass the  
10 Professional Responsibility Examination  
11 administered by the Department including the  
12 payment of the appropriate examination fee. If  
13 Respondent fails to satisfy this condition, the  
14 Commissioner may order suspension of Respondent's  
15 license until Respondent passes the examination.

16  
17 December 10, 1996  
18 DATED

17 Deidre L. Johnson  
18 DEIDRE L. JOHNSON  
19 Counsel for Complainant

20 \* \* \*

21 I have read the Stipulation in Settlement and Agreement,  
22 understand I have the right to discuss it with an attorney, and  
23 its terms are understood by me and are agreeable and acceptable to  
24 me. I have had this agreement reviewed by an attorney on my  
25 behalf. I understand that I am waiving rights given to me by the  
26 California Administrative Procedure Act, and I willingly,  
27 intelligently and voluntarily waive those rights, including the



1 right of requiring the Commissioner to prove the allegations in  
2 the Accusation at a hearing at which I would have the right to  
3 cross-examine witnesses against me and to present evidence in  
4 defense and mitigation of the charges.

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12-3-96

DATED

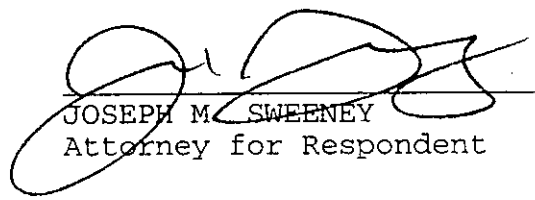


JAMES ROBERT LAVEY  
Respondent

APPROVED AS TO FORM:

12/3/96

DATED



JOSEPH M. SWEENEY  
Attorney for Respondent

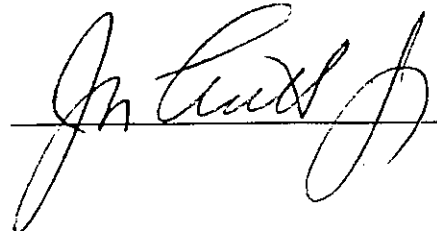
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DECISION AND ORDER

The foregoing Stipulation and Agreement in Settlement is  
hereby adopted as my Decision and Order and shall become effective  
at 12 o'clock noon on February 13, 1997.

IT IS SO ORDERED 12/19, 1996.

JIM ANTT, JR.  
Real Estate Commissioner



1 DEPARTMENT OF REAL ESTATE  
2 P. O. Box 187000  
3 Sacramento, CA 95818-7000  
4 Telephone: (916) 227-0789  
5  
6  
7

FILED  
JAN 24 1997  
DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 PIONEER INVESTMENT GROUP, INC., ) NO. H-7351 SF  
13 JAMES ROBERT LAVEY, and ) STIPULATION AND AGREEMENT  
14 EMIL WILLIAM OXSEN, ) IN SETTLEMENT AND ORDER  
15 Respondents. ) AS TO EMIL WILLIAM OXSEN

16 It is hereby stipulated by and between EMIL WILLIAM  
17 OXSEN only (Respondent) and the Complainant, acting by and through  
18 Deidre L. Johnson, Counsel for the Department of Real Estate, as  
19 follows for the purpose of settling and disposing of the  
20 Accusation filed on April 30, 1996, in this matter:

21 1. All issues which were to be contested and all  
22 evidence which was to be presented by Complainant and Respondent  
23 at a formal hearing on the Accusation, which hearing was to be  
24 held in accordance with the provisions of the California  
25 Administrative Procedures Act (APA), shall instead and in place  
26 thereof be submitted solely on the basis of the provisions of this  
27 Stipulation and Agreement in Settlement.



1           2. Respondent has received, read and understands the  
2 Statement to Respondent, the Discovery Provisions of the APA and  
3 the Accusation filed by the Department of Real Estate in this  
4 proceeding.

5           3. On May 14, 1996, Respondent filed his Notice of  
6 Defense pursuant to Section 11505 of the Government Code for the  
7 purpose of requesting a hearing on the allegations in the  
8 Accusation. Respondent hereby freely and voluntarily withdraws  
9 said Notice of Defense. Respondent acknowledges that he  
10 ~~understands that by withdrawing~~ said Notice of Defense he will  
11 thereby waive his right to require the Commissioner to prove the  
12 allegations in the Accusation at a contested hearing held in  
13 accordance with the provisions of the APA, and that he will waive  
14 other rights afforded to him in connection with the hearing such  
15 as the right to present evidence in defense of the allegations in  
16 the Accusation and the right to cross-examine witnesses.

17           4. Respondent, pursuant to the limitations set forth  
18 below, does not contest the factual allegations of the Accusation,  
19 and the Real Estate Commissioner shall not be required to provide  
20 further evidence of such allegations. A true copy of the  
21 Accusation is attached hereto as Annex A and incorporated herein  
22 by reference.

23           5. It is understood by the parties that the Real Estate  
24 Commissioner may adopt the Stipulation and Agreement in Settlement  
25 as his decision in this matter thereby imposing the penalty and  
26 sanctions on Respondent's real estate license and license rights  
27 as set forth in the below "Order". In the event that the



1 Commissioner in his discretion does not adopt the Stipulation and  
2 Agreement in Settlement, it shall be void and of no effect, and  
3 Respondent shall retain the right to a hearing and proceeding on  
4 the Accusation under all the provisions of the APA and shall not  
5 be bound by any admission or waiver made herein.

6 6. The Order or any subsequent Order of the Real Estate  
7 Commissioner made pursuant to this Stipulation and Agreement in  
8 Settlement shall not constitute an estoppel, merger or bar to any  
9 further administrative or civil proceedings by the Department of  
10 Real Estate with respect to any matters which were not  
11 specifically alleged to be causes for accusation in this  
12 proceeding.

13 DETERMINATION OF ISSUES

14 By reason of the foregoing stipulations, admissions and  
15 waivers and for the purpose of settlement of the pending  
16 Accusation without a hearing, it is stipulated and agreed that the  
17 following determination of issues shall be made:

18 I

19 The acts and/or omissions of Respondent EMIL WILLIAM  
20 OXSEN as set forth in the Accusation constitute grounds for  
21 disciplinary action against the real estate license and license  
22 rights of Respondent under the provisions of Sections 10176(a) and  
23 10176(i) of the California Business and Professions Code.

24 ORDER

25 The real estate salesperson license and licensing rights  
26 of Respondent EMIL WILLIAM OXSEN under the Real Estate Law are  
27 revoked; provided, however, a restricted real estate salesperson



1 license shall be issued to Respondent pursuant to Section 10156.5  
2 of the Business and Professions Code if Respondent makes  
3 application therefor and pays to the Department of Real Estate the  
4 appropriate fee for the restricted license within 90 days from the  
5 effective date of this Decision. The restricted license issued to  
6 Respondent shall be subject to all of the provisions of Section  
7 10156.7 of the Business and Professions Code and to the following  
8 limitations, conditions and restrictions imposed under authority  
9 of Section 10156.6 of that Code:

10 (1) The restricted license issued to Respondent may be  
11 suspended prior to hearing by order of the Real  
12 Estate Commissioner in the event of Respondent's  
13 conviction or plea of nolo contendere to a crime  
14 which is substantially related to Respondent's  
15 fitness or capacity as a real estate licensee.

16 (2) The restricted license issued to Respondent may be  
17 suspended prior to hearing by Order of the Real  
18 Estate Commissioner on evidence satisfactory to the  
19 Commissioner that Respondent has violated the  
20 provisions of the California Real Estate Law, the  
21 Subdivided Lands Law, Regulations of the Real  
22 Estate Commissioner or conditions attaching to this  
23 restricted license.

24 (3) Respondent shall not be eligible to apply for the  
25 issuance of an unrestricted real estate license nor  
26 for the removal of any of the conditions,  
27 limitations or restrictions of a restricted license



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until one (1) year has elapsed from the effective date of this Decision.

(4) Respondent shall submit with any application for licensure under an employing broker, or any application for transfer to a new employing broker, a statement signed by the prospective employing broker which shall certify:

- (a) That the employing broker has read the Decision of the Real Estate Commissioner which granted the right to a restricted license; and
- (b) That the employing broker will exercise close supervision over the performance by the restricted licensee of activities for which a real estate license is required.

(5) Respondent shall, within six months from the effective date of this Decision, take and pass the Professional Responsibility Examination administered by the Department including the payment of the appropriate examination fee. If Respondent fails to satisfy this condition, the Commissioner may order suspension of Respondent's license until Respondent passes the examination.

December 3, 1996  
DATED

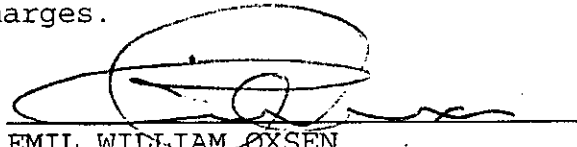
Deidre L. Johnson  
DEIDRE L. JOHNSON  
Counsel for Complainant

1 \* \* \*

2 I have read the Stipulation in Settlement and Agreement,  
3 understand I have the right to discuss it with an attorney, and  
4 its terms are understood by me and are agreeable and acceptable to  
5 me. I have had this agreement reviewed by an attorney on my  
6 behalf. I understand that I am waiving rights given to me by the  
7 California Administrative Procedure Act, and I willingly,  
8 intelligently and voluntarily waive those rights, including the  
9 right of requiring the Commissioner to prove the allegations in  
10 the Accusation at a hearing at which I would have the right to  
11 cross-examine witnesses against me and to present evidence in  
12 defense and mitigation of the charges.

13 November 27-1996

14 DATED



15 EMIL WILLIAM OXSEN  
16 Respondent

17 \* \* \*

18 DECISION AND ORDER

19 The foregoing Stipulation and Agreement in Settlement is  
20 hereby adopted as my Decision and Order and shall become effective  
21 at 12 o'clock noon on February 13, 1997.

22 IT IS SO ORDERED 12/19, 1996.

23 JIM ANTT, JR.  
24 Real Estate Commissioner

25 

Flag

**COPY**

**FILED**  
JUL 24 1996

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

By *Syda Montiel*

*In the Matter of the Accusation of*

JAMES ROBERT LAVEY,  
PIONEER INVESTMENT GROUP, INC.  
AND EMIL WILLIAM OXSEN,

Case No. H-7351 SF

OAH No. N-9607023

*Respondent*

**NOTICE OF HEARING ON ACCUSATION**

**To the above named respondent:**

You are hereby notified that a hearing will be held before the Department of Real Estate at \_\_\_\_\_  
the OFFICE OF ADMINISTRATIVE HEARINGS, in the WORLD SAVINGS TOWER,  
1970 Broadway, 2nd Floor, Oakland, California, 94612-3049  
on Tuesday & Wednesday, December 10 & 11, 1996 (2 days), at the hour of 9:00 AM  
or as soon thereafter as the matter can be heard, upon the Accusation served upon you.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter. The interpreter must be approved by the Administrative Law Judge conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the Administrative Law Judge directs otherwise.

DEPARTMENT OF REAL ESTATE

Dated: July 24, 1996

By *Deidre L. Johnson*  
DEIDRE L. JOHNSON, *Counsel*

FILED  
APR 30 1996

DEPARTMENT OF REAL ESTATE

1 DEIDRE L. JOHNSON, Counsel  
2 Department of Real Estate  
3 185 Berry Street, Room 3400  
San Francisco, CA 94107

4 Telephone: (415) 904-5917

By Lynda Montiel  
Lynda Montiel

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of	)	
	)	No. H-7351 SF
PIONEER INVESTMENT GROUP, INC.,	)	
JAMES ROBERT LAVEY, and	)	<u>ACCUSATION</u>
EMIL WILLIAM OXSEN,	)	
	)	
Respondents.	)	

The Complainant, Les R. Bettencourt, a Deputy Real Estate Commissioner of the State of California, for causes of Accusation against PIONEER INVESTMENT GROUP, INC., JAMES ROBERT LAVEY, and EMIL WILLIAM OXSEN is informed and alleges as follows:

PRELIMINARY ALLEGATIONS

I

Respondents PIONEER INVESTMENT GROUP, INC., JAMES ROBERT LAVEY, and EMIL WILLIAM OXSEN are presently licensed and/or have license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code (hereafter the Code).

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II

The Complainant, Les R. Bettencourt, a Deputy Real Estate Commissioner of the State of California, makes this Accusation against Respondents in his official capacity and not otherwise.

III

At all times herein mentioned, Respondent PIONEER INVESTMENT GROUP, INC. (hereafter PIG, INC.) was and is licensed by the California Department of Real Estate (hereafter the Department) as real estate broker corporation. PIG, INC. was and is so licensed to act by and through designated broker officer JAMES ROBERT LAVEY.

IV

At all times herein mentioned, Respondent JAMES ROBERT LAVEY, (hereafter LAVEY) was and is licensed by the Department as a real estate broker, and also as the designated broker officer of PIG, INC. At all times herein mentioned, LAVEY was the owner of twenty-five percent of the shares of PIG, INC., and was President and chief executive officer of the company. Respondent LAVEY directed and controlled PIG, INC.'s business activities and conducted its affairs.

V

At all times herein mentioned, Respondent EMIL WILLIAM OXSEN, (hereafter OXSEN) was and is licensed by the Department as a real estate salesperson. At all times herein mentioned, OXSEN was the owner of twenty-five percent of the shares of PIG, INC., and was Vice-President of the company.

1  
2 VI

3 Within the three years last past, PIG, INC. engaged in  
4 the business of and acted in the capacity of a real estate broker  
5 in California within the meaning of Section 10131(d) and/or  
6 10131(e) of the Code wherein lenders, investors and/or borrowers  
7 were solicited for loans secured directly or collaterally by liens  
8 on real property, wherein such loans were arranged, negotiated,  
9 processed, consummated, and serviced on behalf of others; and  
10 wherein promissory notes secured directly or collaterally by liens  
11 on real property were sold or exchanged on behalf of others, for  
12 or in expectation of compensation.

13 FIRST CAUSE OF ACTION  
14 (Trust Fund-Related Violations)

15 VII

16 Beginning in or about May through July of 1995, the  
17 Department conducted an audit of PIG, INC.'s books and records  
18 pertaining to the above mortgage loan business for a period to  
19 approximately March 31, 1995. In acting as a mortgage loan broker  
20 as alleged above, Respondent PIG, INC. accepted or received funds  
21 in trust from borrowers, lenders and investors in connection with  
22 the solicitation, negotiation, processing and funding of loans on  
23 their behalf.

24 VIII

25 The trust funds accepted or received by PIG, INC. were  
26 deposited or caused to be deposited from time to time into bank  
27 accounts that were not designated as trust accounts at Community  
First National Bank at 749 Main Street, Pleasanton, California,  
named and numbered as follows:

1 (1) Account No. 1040391 - Pioneer Investment Group,  
2 Inc., DBA Pioneer Property Management; and

3 (2) Account No. 1040405 - Private Investment Services,  
4 Inc., DBA Pioneer Property Management.

5 IX

6 In connection with the collection and disbursement of  
7 the trust funds, Respondents PIG, INC. and LAVEY:

8 (1) Failed to maintain the above bank accounts as  
9 trust accounts in the name of the broker as trustee, as required  
10 by Section 10145 of the Code, and Section 2830 of Title 10,  
11 California Code of Regulations (hereafter the Regulations):

12 (2) Failed to maintain a control account of all receipts  
13 and disbursements of trust funds received but not placed into the  
14 broker's trust account, containing all information required by  
15 Section 2831 of the Regulations.

16 (3) Failed to reconcile the balance of all separate  
17 beneficiary or transaction records with the record of all trust  
18 funds received and disbursed at least once a month, and/or failed  
19 to maintain any written record of any such reconciliations as  
20 required by Section 2831.2 of the Regulations.

21 (4) Permitted withdrawal authority from the above bank  
22 accounts used for the handling of trust funds on the signature(s)  
23 of Emil William Oxsen, Carol Morengo, and Michael Rex Wolfgram  
24 without specific written authorization in writing from LAVEY as  
25 required by Section 2834 of the Regulations.

26 (5) Failed to maintain written agreements with each of  
27 the company's salespersons, whether licensed as a salesperson or

1 as a broker under a broker-salesperson arrangement, covering  
2 material aspects of the relationship between the parties as  
3 required by Section 2726 of the Regulations.

4 (6) Failed to prepare and deliver to lenders or  
5 investors, or cause to be delivered, a written lender/purchaser  
6 disclosure statement as required by Section 10232.4 of the Code  
7 prior to each lender or note purchaser becoming obligated to make  
8 the loan or purchase, or prior to PIG, INC.'s receipt of the  
9 loan/purchase funds, and/or failed to retain copies of such  
10 statements with the records of the company.

11 (7) Commingled general funds of a shareholder, JACK  
12 MATTHEWS LAVEY, with the trust funds, including but limited to the  
13 sum of \$7,500 in personal loan funds so commingled on or about May  
14 14, 1993.

15 X

16 Beginning in or about May, 1995, and continuing through  
17 the present, Respondents PIG, INC. and LAVEY have failed to retain  
18 and make available for examination and inspection by a designated  
19 representative of the Commissioner of the Department, all  
20 documents executed or obtained by them in connection with  
21 transactions for which a real estate license is required,  
22 including but not limited to any and all separate beneficiary or  
23 transaction records relating to JACK MATTHEWS LAVEY loans.

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XI

The acts and/or omissions of Respondents PIG, INC. and LAVEY as alleged in Paragraph X above violate Section 10148 of the Code and constitute grounds for disciplinary action under the provisions of Section 10177(d) of the Code.

XII

The acts and/or omissions alleged in Paragraph IX above are grounds for the suspension or revocation of the licenses and licenses rights of Respondents PIG, INC. and LAVEY under the following provisions:

(1) As to Paragraph IX(1), under Section 10145 of the Code, and Section 2830 the Regulations in conjunction with Section 10177(d) of the Code.

(2) As to Paragraph IX(2), under Section 2831 of the Regulations in conjunction with Section 10177(d) of the Code.

(3) As to Paragraph IX(3), under Section 2831.2 of the Regulations in conjunction with Section 10177(d) of the Code.

(4) As to Paragraph IX(4), under Section 2834 of the Regulations in conjunction with Section 10177(d) of the Code.

(5) As to Paragraph IX(5), under Section 2726 of the Regulations in conjunction with Section 10177(d) of the Code.

(6) As to Paragraph IX(6), under Section 10232.4 of the Code in conjunction with Section 10177(d) of the Code.

(7) As to Paragraph IX(7), under Section 10176(e) of the Code, and Section 2835 of the Regulations in conjunction with Section 10177(d) of the Code.

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SECOND CAUSE OF ACTION  
(Sycamore Road Lot #1 Loan)

XIII

On or about June 6, 1994, Respondent LAVEY loaned FIG, INC. the sum of \$365,000, evidenced by a promissory note and secured by a deed of trust to real property located at and known as Lot #1, Sycamore Road, Pleasanton, California.

XIV

Beginning in or about June of 1994, Respondents OXSEN and FIG, INC. negotiated and arranged the sale of assignments of fractional interests in the above note and deed of trust on behalf of LAVEY. Respondents solicited, negotiated and sold fractional interests in the loan, including but not limited to the following:

INVESTOR	AMOUNT	DATE PAID IN
Arcane	\$10,000	6/30/94
Hansen	\$21,000	6/30/94
Reeve	\$30,000	10/3/94
Reeve	\$35,000	10/20/94
Gouch	\$12,000	6/21/94
Herlihy	\$8,000	11/7/94

XV

In connection with the above sales of interests in the Lot #1, Sycamore Road loan, Respondents FIG, INC., LAVEY and OXSEN expressly or impliedly represented to investors, including but not

1 limited to William and Betty Hansen, and William and Kathryn  
2 Herlihy, that the above note and deed of trust was a second deed  
3 of trust on the property, and failed to disclose to each investor  
4 that the loan was in fact a third note and deed of trust against  
5 the property.

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XVI

Respondents PIG, INC., and LAVEY accepted or caused the  
acceptance of funds from the above investors to be applied to a  
purchase or loan transaction in which the broker would directly or  
indirectly obtain the use or benefit of the funds, and failed to  
prepare and deliver to the investors, or cause to be delivered, a  
written lender/purchaser disclosure statement, as required by  
Section 10231.2(b) of the Code, not less than 24 hours before the  
earlier of the acceptance of any funds or the execution of the  
documents obligating each investor or note purchaser to make the  
loan or purchase, and/or failed to retain copies of such  
statements with the records of the company.

XVII

Respondents PIG, INC. and LAVEY failed to notify the  
Department of the above broker-benefit loan and failed to provide  
a copy of the written lender/purchaser disclosure statement to the  
Department prior to making any representations, solicitations or  
presentations to the investors as required by Section 10231.2(a)  
of the Code.

XVIII

Respondents PIG, INC. and LAVEY failed to record the  
deed of trust securing the promissory note, and failed to record

1 the assignments of interests in the promissory note and deed of  
 2 trust to investors with the county recorder prior to disbursement  
 3 of the funds, or within 10 working days after receipt of the funds  
 4 from each investor; and/or failed to deliver the trust deed or an  
 5 assignment of trust deed to each investor or purchaser with a  
 6 written recommendation that the assignment thereof be recorded  
 7 forthwith, including but not limited to the following:

INVESTORS	DATE DISBURSED	DEED OF TRUST RECORDED	ASSIGNMENT RECORDED
ARCANE	6/30/94	9/26/94	11/22/94
HANSEN	6/30/94	9/26/94	11/22/94
REEVE	10/94	9/26/94	11/22/94
GOUCH	6/21/94	9/26/94	11/22/94
HERLIHY	11/10/94-1/95	9/26/94	11/22/94

15 XIX

16 Respondents PIG, INC., LAVEY and OXSEN failed to  
 17 disclose to each investor that they did not intend to and did not  
 18 timely record the above deed of trust, and the above assignment of  
 19 the deed of trust as to each investor's interest as required by  
 20 Section 10234 of the Code.

21 XX

22 The acts and/or omissions of Respondents PIG, INC.,  
 23 LAVEY and OXSEN as alleged in Paragraphs XV, XVIII and XIX above  
 24 constitute grounds for disciplinary action under the provisions of  
 25 Sections 10176(a), 10176(i) and/or 10177(j) of the Code.

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XXI

The acts and/or omissions of Respondents PIG, INC. and LAVEY as alleged in Paragraphs XVI, XVII, and XVIII violate Sections 10231.2(b), 10231.2(a), and 10234 of the Code, and constitute grounds for disciplinary action under the provisions of Section 10177(d) of the Code.

THIRD CAUSE OF ACTION  
(Sycamore Road Lot #3 Loan)

XXII

On or about June 6, 1994, Respondent LAVEY loaned PIG, INC. the sum of \$365,000, evidenced by a promissory note and secured by a deed of trust to real property located at and known as Lot #3, Sycamore Road, Pleasanton, California.

XXIII

Beginning in or about June of 1994, Respondents OXSEN and PIG, INC. negotiated and arranged the sale of assignments of fractional interests in the above note and deed of trust on behalf of LAVEY. Respondents solicited, negotiated and sold fractional interests in the loan, including but not limited to the following:

INVESTOR	AMOUNT	DATE PAID IN
Arcane	\$10,000	6/30/94
Armbruster	\$35,000	6/30/94
Lack	\$15,000	8/94
Reed	\$10,000	6/30/94
Reyes	\$30,000	7/14/94
Booth	\$27,000	9/94-10/7/94

1			
2	Nelson	\$13,000	6/21/94
3	Herlihy	\$100,000	8/3/94

4

XXIV

5

6 Respondents PIG, INC., and LAVEY accepted or caused the  
7 acceptance of funds from the above investors to be applied to a  
8 purchase or loan transaction in which the broker would directly or  
9 indirectly obtain the use or benefit of the funds, and failed to  
10 prepare and deliver to the investors, or cause to be delivered, a  
11 written lender/purchaser disclosure statement, as required by  
12 Section 10231.2(b) of the Code, not less than 24 hours before the  
13 earlier of the acceptance of any funds or the execution of the  
14 documents obligating each investor or note purchaser to make the  
15 loan or purchase, and/or failed to retain copies of such  
16 statements with the records of the company.

17

XXV

18 Respondents PIG, INC. and LAVEY failed to notify the  
19 Department of the above broker-benefit loan and failed to provide  
20 a copy of the written lender/purchaser disclosure statement to the  
21 Department prior to making any representations, solicitations or  
22 presentations to the investors as required by Section 10231.2(a)  
23 of the Code.

24

XXVI

25 Respondents PIG, INC. and LAVEY failed to record the  
26 deed of trust securing the promissory note, and failed to record  
27 the assignments of interests in the promissory note and deed of

1 trust to investors with the county recorder prior to disbursement  
 2 of the funds, or within 10 working days after receipt of the funds  
 3 from each investor, and/or failed to deliver the trust deed or an  
 4 assignment of trust deed to each investor or purchaser with a  
 5 written recommendation that the assignment thereof be recorded  
 6 forthwith, including but not limited to the following:

INVESTORS	DATE DISBURSED	DEED OF TRUST RECORDED	ASSIGNMENT RECORDED
Arcane	6/30/94	8/3/94	10/20/94
Armbruster	6/30/94	8/3/94	10/20/94
Lack	8/94	8/3/94	11/22/94
Reed	6/30/94	8/3/94	10/20/94
Reyes	7/14/94	8/3/94	10/20/94
Booth	9/94-10/7/94	8/3/94	10/20/94
Nelson	6/21/94	8/3/94	10/20/94
Herlihy	8/94-9/30/94	8/3/94	10/20/94

17  
 18 XXVII

19 Respondents PIG, INC., LAVEY and OXSEN failed to  
 20 disclose to each investor that they did not intend to and did not  
 21 timely record the above deed of trust, and the above assignments  
 22 of the deed of trust as to each investor's interest as required by  
 23 Section 10234 of the Code.

24 XXVIII

25 The acts and/or omissions of Respondents PIG, INC.,  
 26 LAVEY and OXSEN as alleged in Paragraphs XXVI and XXVII above  
 27

1 constitute grounds for disciplinary action under the provisions of  
2 Sections 10176(a), 10176(i) and/or 10177(j) of the Code.

3 XXIX

4 The acts and/or omissions of Respondents PIG, INC. and  
5 LAVEY as alleged in Paragraphs XXIV, XXV, and XXVI above violate  
6 Sections 10231.2(b), 10231.2(a), and 10234 of the Code, and  
7 constitute grounds for disciplinary action under the provisions of  
8 Section 10177(d) of the Code.

9 FOURTH CAUSE OF ACTION

10 XXX


11 At all times above mentioned, LAVEY was responsible, as  
12 the officer designated by PIG, INC., for the supervision and  
13 control of the activities conducted on behalf of the corporation  
14 by its officers and employees, and failed to so exercise  
15 reasonable supervision and control. LAVEY was negligent and/or  
16 incompetent in performing acts for which a real estate license is  
17 required, in that he know or should have known all the facts set  
18 forth in the above allegations, and in that he could have and  
19 should have taken steps to assure PIG, INC.'s full compliance with  
20 the Real Estate Law and failed to do so.

21 XXXI

22 The acts and/or omissions of Respondent LAVEY as alleged  
23 above constitute cause for disciplinary action under the  
24 provisions of Sections 10177(g) and 10177(h) of the Code.

25 WHEREFORE, Complainant prays that a hearing be conducted  
26 on the allegations of this Accusation and that upon proof thereof  
27 a decision be rendered imposing disciplinary action against all

1 licenses and license rights of Respondents under the Real Estate  
2 Law (Part 1 of Division 4 of the Business and Professions Code),  
3 and for such other and further relief as may be proper under other  
4 provisions of law.

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6   
7 LES R. BETTENCOURT  
Deputy Real Estate Commissioner

8 Dated at San Francisco, California,  
9 this 9th day of April, 1996.

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