

1 Department of Real Estate
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
4 Telephone: (916) 227-0789
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6
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FILED
FEB 16 2000

DEPARTMENT OF REAL ESTATE

By Shelley E. O.

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H-7750 SF
12)
12 LORI LEE LIVENGOOD) OAH NO. N-1999100012
13 HELENA W. ROGERS, AND)
13 NATIONAL FINANCIAL INVESTMENT) STIPULATION AND AGREEMENT
14 CORPORATION,) IN SETTLEMENT AND ORDER
14 Respondents.) AS TO RESPONDENT
15) LORI LEE LIVENGOOD ONLY
15)

16 It is hereby stipulated by and between LORI LEE
17 LIVENGOOD (Respondent), represented by her attorney of record,
18 Jane L. O'Hara Gamp of Murphy, Pearson, Bradley & Feeney, and the
19 Complainant, acting by and through David B. Seals, Counsel for
20 the Department of Real Estate, as follows for the purpose of
21 settling and disposing of the Accusation filed on September 14,
22 1999, in this matter:

23 1. All issues which were to be contested and all
24 evidence which was to be presented by Complainant and Respondent
25 at a formal hearing on the Accusation, which hearing was to be
26 held in accordance with the provisions of the Administrative
27 Procedure Act (APA), shall instead and in place thereof be

1 submitted solely on the basis of the provisions of this
2 Stipulation and Agreement in Settlement.

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

7 3. On September 30, 1999, Respondent filed a Notice of
8 Defense pursuant to Section 11505 of the Government Code for the
9 purpose of requesting a hearing on the allegations in the
10 Accusation. Respondent hereby freely and voluntarily withdraws
11 said Notice of Defense. Respondent acknowledges that she
12 understands that by withdrawing said Notice of Defense she will
13 thereby waive her right to require the Commissioner to prove the
14 allegations in the Accusation at a contested hearing held in
15 accordance with the provisions of the APA and that she will waive
16 other rights afforded to her in connection with the hearing such
17 as the right to present evidence in defense of the allegations in
18 the Accusation and the right to cross-examine witnesses.

19 4. This Stipulation is based on the factual allegations
20 contained in the Accusation. In the interests of expedience and
21 economy, Respondent chooses not to contest these allegations, but
22 to remain silent and understand that, as a result thereof, these
23 factual allegations, without being admitted or denied, will serve
24 as a prima facie basis for the disciplinary action stipulated to
25 herein. The Real Estate Commissioner shall not be required to
26 provide further evidence to prove said factual allegations.

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ORDER

All licenses and licensing rights of Respondent LORI LEE LIVENGOOD under the Real Estate Law are suspended for a period of sixty (60) days from the effective date of this Order; provided, however, that:

1. Thirty (30) days of said suspension shall be stayed for one (1) year upon the following terms and conditions:

A. Respondent shall obey all laws, rules and regulations governing the rights, duties and responsibilities of a real estate licensee in the State of California; and

B. That no final subsequent determination be made, after hearing or upon stipulation, that cause for disciplinary action occurred within one (1) year from the effective date of this Order. Should such a determination be made, the Commissioner may, in her discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed suspension. Should no such determination be made, the stay imposed herein shall become permanent.

2. The remaining thirty (30) days of said 60-day suspension shall be stayed upon the condition that Respondent petition pursuant to Section 10175.2 of the Business and Professions Code pays a monetary penalty pursuant to Section 10175.2 of the Business and Professions Code at a rate of \$83.33

///

1 for each day of the suspension for a total monetary penalty of
2 \$2,499.90:

3 A. Said payment shall be in the form of a cashier's
4 check or certified check made payable to the
5 Recovery Account of the Real Estate Fund. Said
6 check must be delivered to the Department prior to
7 the effective date of the Order in this matter.

8 B. No further cause for disciplinary action against
9 the Real Estate licenses of Respondent occurs
10 within one (1) year from the effective date of the
11 decision in this matter.

12 C. If Respondent fails to pay the monetary penalty as
13 provided above prior to the effective date of this
14 Order, the stay of the suspension shall be vacated
15 and the order of suspension shall be immediately
16 executed, under this Paragraph 2 of this Order, in
17 which event Respondent shall not be entitled to
18 any repayment nor credit, prorated or otherwise,
19 for the money paid to the Department under the
20 terms of this Order.

21 D. If Respondent pays the monetary penalty and if no
22 further cause for disciplinary action against the
23 real estate licenses of Respondent occurs within
24 one (1) year from the effective date of this
25 Order, the entire stay hereby granted under
26 Paragraphs 1 and 2 of this Order shall become
27 permanent.

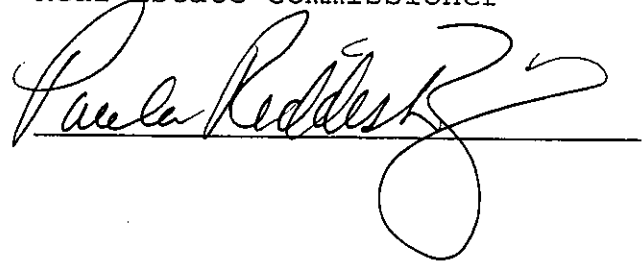
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* * *

The foregoing Stipulation and Agreement for
Settlement is hereby adopted by the Real Estate Commissioner as
her Decision and Order and shall become effective at 12 o'clock
noon on March 7, 2000

IT IS SO ORDERED February 3, 2000

PAULA REDDISH ZINNEMANN
Real Estate Commissioner



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

FILED
FEB 16 2000

DEPARTMENT OF REAL ESTATE

By Shelly Ely

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H-7750 SF
12 LORI LEE LIVENGOOD) OAH NO. N-1999100012
13 HELENA W. ROGERS, AND)
14 NATIONAL FINANCIAL INVESTMENT) STIPULATION AND AGREEMENT
CORPORATION,) IN SETTLEMENT AND ORDER
15 Respondents.) AS TO RESPONDENT
16) NATIONAL FINANCIAL
17) INVESTMENT CORPORATION
18) ONLY

17 It is hereby stipulated by and between NATIONAL
18 FINANCIAL INVESTMENT CORPORATION (Respondent), represented by
19 their attorney of record, Jane L. O'Hara Gamp of Murphy, Pearson,
20 Bradley & Feeney, and the Complainant, acting by and through
21 David B. Seals, Counsel for the Department of Real Estate, as
22 follows for the purpose of settling and disposing of the
23 Accusation filed on September 14, 1999, in this matter:

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

1 held in accordance with the provisions of the Administrative
2 Procedure Act (APA), shall instead and in place thereof be
3 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 September 30, 1999, Respondent filed a 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 it
14 understands that by withdrawing said Notice of Defense it will
15 thereby waive its 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 it will waive
18 other rights afforded to it in connection with the hearing such
19 as the right to present evidence in defense of the allegations in
20 the Accusation and the right to cross-examine witnesses.

21 4. This Stipulation is based on the factual allegations
22 contained in the Accusation. In the interests of expedience and
23 economy, Respondent chooses not to contest these allegations, but
24 to remain silent and understand that, as a result thereof, these
25 factual allegations, without being admitted or denied, will serve
26 as a prima facie basis for the disciplinary action stipulated to
27

1 herein. The Real Estate Commissioner shall not be required to
2 provide further evidence to prove said factual allegations.

3 5. It is understood by the parties that the Real
4 Estate Commissioner may adopt the Stipulation and Agreement in
5 Settlement as her decision in this matter thereby imposing the
6 penalty and sanctions on Respondent's real estate licenses and
7 license rights as set forth in the below "Order". In the event
8 that the Commissioner in her discretion does not adopt the
9 Stipulation and Agreement in Settlement, it shall be void and of
10 no effect, and Respondent shall retain the right to a hearing and
11 proceeding on the Accusation under all the provisions of the APA
12 and shall not be bound by any admission or waiver made herein.

13 6. The Order or any subsequent Order of the Real
14 Estate Commissioner made pursuant to this Stipulation and
15 Agreement in Settlement shall not constitute an estoppel, merger
16 or bar to any further administrative or civil proceedings by the
17 Department of Real Estate with respect to any matters which were
18 not specifically alleged to be causes for accusation in this
19 proceeding.

20 DETERMINATION OF ISSUES

21 I

22 By reason of the foregoing stipulations, admissions
23 and waivers and solely for the purpose of settlement of the
24 pending Accusation without a hearing, it is stipulated and agreed
25 that the facts alleged above are grounds for the suspension or
26

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1 revocation of the licenses and license rights of Respondent under
2 Section 10177(g) of the Code.

3 ORDER

4 All licenses and licensing rights of Respondent
5 NATIONAL FINANCIAL INVESTMENT CORPORATION under the Real Estate
6 Law are suspended for a period of twenty (20) days from the
7 effective date of this Order; provided, however, that all twenty
8 (20) days of said suspension shall be stayed for one (1) year
9 upon the following terms and conditions:

- 10 1. Respondent shall obey all laws, rules and
11 regulations governing the rights, duties and
12 responsibilities of a real estate licensee in the
13 State of California; and
- 14 2. That no final subsequent determination be made,
15 after hearing or upon stipulation, that cause for
16 disciplinary action occurred within one (1) year
17 from the effective date of this Order. Should
18 such a determination be made, the Commissioner
19 may, in her discretion, vacate and set aside the
20 stay order and reimpose all or a portion of the
21 stayed suspension. Should no such determination
22 be made, the stay imposed herein shall become
23 permanent.

24
25 1/12/2000

26 DATED

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25 David B. Seals

26 DAVID B. SEALS, Counsel
27 DEPARTMENT OF REAL ESTATE


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* * *

I have read the Stipulation and Agreement, have had the opportunity to consult with legal counsel, and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509, and 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive those rights, including the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

1-7-2000

DATED


NATIONAL FINANCIAL
INVESTMENT CORPORATION
Respondent

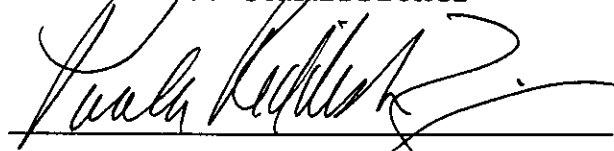
* * *

The foregoing Stipulation and Agreement for Settlement is hereby adopted by the Real Estate Commissioner as her Decision and Order and shall become effective at 12 o'clock noon on March 7, 2000

IT IS SO ORDERED

February 3, 2000

PAULA REDDISH ZINNEMANN
Real Estate Commissioner



FILED
DEC 10 1999
DEPARTMENT OF REAL ESTATE

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

By Shelley Ely

In the Matter of the Accusation of
LORI LEE LIVENGOOD, HELENA W. ROGERS,
and NATIONAL FINANCIAL INVESTMENT
CORPORATION

Case No. H-7750 SF
OAH No. N-1999100012

Respondent

SECOND CONTINUED
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, 1515 Clay Street, Suite 206,
Oakland, California 94612

on MONDAY--JANUARY 10, 2000, at the hour of 9:00 AM,
or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of
hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten
(10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days
will deprive you of a change in the place of the hearing.

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 and pay his or her costs. The
interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: December 10, 1999

By David B. Seals
DAVID B. SEALS Counsel

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
NOV 18 1999

DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

LORI LEE LIVENGOOD, HELENA W. ROGERS,
and NATIONAL FINANCIAL INVESTMENT
CORPORATION

}

By Shelly Ego

Case No. H-7750 SF

OAH No. N-1999100012

Respondent

FIRST CONTINUED
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, 1515 Clay Street, Suite 206,

Oakland, California 94612

on WEDNESDAY--DECEMBER 22, 1999, at the hour of 9:00 AM,
or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

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 and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: November 18, 1999

By David B. Seals
DAVID B. SEALS Counsel

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
OCT 08 1999

DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

LORI LEE LIVENGOOD, HELENA W. ROGERS,
and NATIONAL FINANCIAL INVESTMENT
CORPORATION

Respondent

By Shelly Ely

Case No. H-7750 SF

OAH No. N-1999100012

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, 1515 Clay Street, Suite 206,
Oakland, California 94612

on MONDAY--NOVEMBER 22, 1999, at the hour of 9:00 AM,
or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of
hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten
(10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days
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You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You
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yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the
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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 and pay his or her costs. The
interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

Dated: October 8, 1999

DEPARTMENT OF REAL ESTATE

By

David B. Seals
DAVID B. SEALS

Counsel

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

FILED
FEB 16 2000

DEPARTMENT OF REAL ESTATE
By Shelley Ely

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11	In the Matter of the Accusation of)	No. H-7750 SF
12	LORI LEE LIVENGOOD)	OAH NO. N-1999100012
13	HELENA W. ROGERS, AND)	
14	NATIONAL FINANCIAL INVESTMENT CORPORATION,)	STIPULATION AND AGREEMENT
15	Respondents.)	IN SETTLEMENT AND ORDER
)	AS TO RESPONDENT
)	<u>HELENA W. ROGERS ONLY</u>

16 It is hereby stipulated by and between HELENA W. ROGERS
17 (Respondent), represented by her attorney of record, Jane L.
18 O'Hara Gamp of Murphy, Pearson, Bradley & Feeney, and the
19 Complainant, acting by and through David B. Seals, Counsel for
20 the Department of Real Estate, as follows for the purpose of
21 settling and disposing of the Accusation filed on September 14,
22 1999, in this matter:

23 1. All issues which were to be contested and all
24 evidence which was to be presented by Complainant and Respondent
25 at a formal hearing on the Accusation, which hearing was to be
26 held in accordance with the provisions of the Administrative
27 Procedure Act (APA), shall instead and in place thereof be

1 submitted solely on the basis of the provisions of this
2 Stipulation and Agreement in Settlement.

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

7 3. On September 30, 1999, Respondent filed a Notice of
8 Defense pursuant to Section 11505 of the Government Code for the
9 purpose of requesting a hearing on the allegations in the
10 Accusation. Respondent hereby freely and voluntarily withdraws
11 said Notice of Defense. Respondent acknowledges that she
12 understand that by withdrawing said Notice of Defense she will
13 thereby waive her right to require the Commissioner to prove the
14 allegations in the Accusation at a contested hearing held in
15 accordance with the provisions of the APA and that she will waive
16 other rights afforded to her in connection with the hearing such
17 as the right to present evidence in defense of the allegations in
18 the Accusation and the right to cross-examine witnesses.

19 4. This Stipulation is based on the factual allegations
20 contained in the Accusation. In the interests of expedience and
21 economy, Respondent chooses not to contest these allegations, but
22 to remain silent and understand that, as a result thereof, these
23 factual allegations, without being admitted or denied, will serve
24 as a prima facie basis for the disciplinary action stipulated to
25 herein. The Real Estate Commissioner shall not be required to
26 provide further evidence to prove said factual allegations.

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ORDER

All licenses and licensing rights of Respondent HELENA W. ROGERS under the Real Estate Law are suspended for a period of sixty (60) days from the effective date of this Order; provided, however, that:

1. Thirty (30) days of said suspension shall be stayed for one (1) year upon the following terms and conditions:

A. Respondent shall obey all laws, rules and regulations governing the rights, duties and responsibilities of a real estate licensee in the State of California; and

B. That no final subsequent determination be made, after hearing or upon stipulation, that cause for disciplinary action occurred within one (1) year from the effective date of this Order. Should such a determination be made, the Commissioner may, in her discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed suspension. Should no such determination be made, the stay imposed herein shall become permanent.

2. The remaining thirty (30) days of said 60-day suspension shall be stayed upon the condition that Respondent petition pursuant to Section 10175.2 of the Business and Professions Code pays a monetary penalty pursuant to Section 10175.2 of the Business and Professions Code at a rate of \$83.33

///

1 for each day of the suspension for a total monetary penalty of
2 \$2,499.90:

3 A. Said payment shall be in the form of a cashier's
4 check or certified check made payable to the
5 Recovery Account of the Real Estate Fund. Said
6 check must be delivered to the Department prior to
7 the effective date of the Order in this matter.

8 B. No further cause for disciplinary action against
9 the Real Estate licenses of Respondent occurs
10 within one (1) year from the effective date of the
11 decision in this matter.

12 C. If Respondent fails to pay the monetary penalty as
13 provided above prior to the effective date of this
14 Order, the stay of the suspension shall be vacated
15 and the order of suspension shall be immediately
16 executed, under this Paragraph 2 of this Order, in
17 which event Respondent shall not be entitled to
18 any repayment nor credit, prorated or otherwise,
19 for the money paid to the Department under the
20 terms of this Order.

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D. If Respondent pays the monetary penalty and if no further cause for disciplinary action against the real estate licenses of Respondent occurs within one (1) year from the effective date of this Order, the entire stay hereby granted under Paragraphs 1 and 2 of this Order shall become permanent.

1/12/2000

DATED



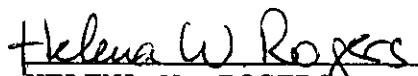
DAVID B. SEALS, Counsel
DEPARTMENT OF REAL ESTATE

* * *

I have read the Stipulation and Agreement, have had the opportunity to consult with legal counsel, and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509, and 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive those rights, including the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

1-7-2000

DATED



HELENA W. ROGERS
Respondent

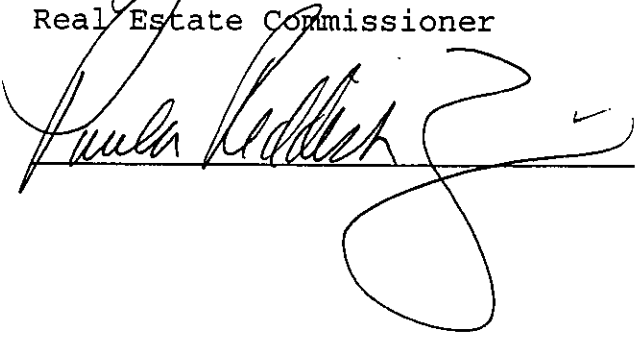
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The foregoing Stipulation and Agreement for
Settlement is hereby adopted by the Real Estate Commissioner as
his Decision and Order and shall become effective at 12 o'clock
noon on March 7, 2000

IT IS SO ORDERED February 3, 2000.

PAULA REDDISH ZINNEMANN
Real Estate Commissioner



1 DAVID B. SEALS, Counsel
2 Department of Real Estate
3 P. O. Box 187000
4 Sacramento, CA 95818-7000

5 Telephone: (916) 227-0789

FILED

SEP 14 1999

DEPARTMENT OF REAL ESTATE

By Jean Aronoff

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12)
13 LORI LEE LIVENGOOD,)
14 HELENA W. ROGERS, and)
15 NATIONAL FINANCIAL INVESTMENT)
CORPORATION,)
Respondents.)

NO. H-7750 SF

ACCUSATION

16 The Complainant, Les R. Bettencourt, a Deputy Real
17 Estate Commissioner of the State of California for cause of
18 Accusation LORI LEE LIVENGOOD (hereinafter Respondent
19 "LIVENGOOD"), HELENA W. ROGERS (hereinafter Respondent "ROGERS"),
20 and NATIONAL FINANCIAL INVESTMENT CORPORATION (hereinafter
21 Respondent "NFIC"), is informed and alleges as follows:

22 I

23 The Complainant, Les R. Bettencourt, a Deputy Real
24 Estate Commissioner of the State of California, makes this
25 Accusation in his official capacity.

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II

Respondents are licensed and/or have license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code (hereinafter "Code") as follows:

- (a) Respondent NFIC as a corporate real estate broker through MICHAEL D'AMBRA as designated officer.
- (b) Respondent LIVENGOOD as a real estate salesperson.
- (c) Respondent ROGERS as a real estate salesperson.

III

At all times mentioned herein Respondents LIVENGOOD and ROGERS were licensed as real estate salespersons in the employ of Respondent NFIC.

IV

Respondents LIVENGOOD, ROGERS, and NFIC participated in the negotiations on behalf of Christian Ledoux and Gina Lazarus, as Buyers, and Kathleen K. Wright, as the Seller, regarding the proposed sale of the real property located at 2247 Armada Way in San Mateo (hereinafter the "Property").

V

On or about January 8, 1998, Respondents NFIC and LIVENGOOD prepared a Residential Purchase Agreement and Deposit Receipt (hereinafter "Purchase Agreement") on behalf of the Buyers in order to purchase the Property. The Property was listed for sale by Respondents NFIC and ROGERS.

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VI

The Purchase Agreement provided, in pertinent part, that Respondents NFIC and LIVENGOOD received \$5,000 from the Buyers as a deposit. However, Respondents NFIC and LIVENGOOD had not received nor did they ever receive a deposit from the Buyers in any amount.


VII

Respondents NFIC, LIVENGOOD, and ROGERS failed to inform Seller that no deposit had been received.

VIII

The acts and/or omissions of Respondents' LIVENGOOD, ROGERS, and NFIC described above are grounds for the revocation or suspension of all such Respondents' licenses under Sections 10176(a) and/or 10177(g) of the Code.

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and license rights of Respondents, and each of them, under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) and for such other and further relief as may be proper under other provisions of law.


LES R. BETTENCOURT
Deputy Real Estate Commissioner

Dated at Oakland, California,
this 30th day of August, 1999.