

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

FILED
NOV 28 2000

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

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

11 * * *

12 In the Matter of the Accusation of)
13 ROMAN EMPIRE, INC.,) NO. H-7804 SF
14 SHERRY ANN WILSON, and) STIPULATION AND AGREEMENT
15 EDGAR SANTIAGO MORALES,) (AS TO ROMAN EMPIRE, INC.,
AND SHERRY ANN WILSON ONLY)
Respondents.)

16 It is hereby stipulated by and between ROMAN EMPIRE,
17 INC., and SHERRY ANN WILSON (hereafter Respondents) represented
18 by David Hamerslough, Attorney at Law, Liccardo, Rossi, Sturges
19 & McNeil, and the Complainant, acting by and through Deidre L.
20 Johnson, Counsel for the Department of Real Estate, as follows
21 for the purpose of settling and disposing the Amended
22 Accusation as to them filed on May 11, 2000, in this matter:

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

1 thereof be submitted solely on the basis of the provisions of
2 this Stipulation and Agreement.

3 2. Respondents have received, read and understand the
4 Statement to Respondent, and the Discovery Provisions of the APA
5 filed by the Department of Real Estate in this proceeding.

6 3. On March 29 and April 14, 2000, Respondents filed
7 their Notices of Defense pursuant to Section 11505 of the
8 Government Code for the purpose of requesting a hearing on the
9 allegations in the Amended Accusation. Respondents hereby freely
10 and voluntarily withdraw said Notices of Defense. Respondents
11 acknowledge that they understand that by withdrawing said Notices
12 of Defense they will each thereby waive their rights to require
13 the Commissioner to prove the allegations in the Amended
14 Accusation at a contested hearing held in accordance with the
15 provisions of the APA, and that they will waive other rights
16 afforded to them in connection with the hearing such as the right
17 to present evidence in defense of the allegations in the Amended
18 Accusation and the right to cross-examine witnesses.

19 4. Respondents, pursuant to the limitations set forth
20 below, hereby admit that the factual allegations pertaining to
21 them in Paragraphs I through VI of the Amended Accusation filed
22 in this proceeding are true and correct and the Real Estate
23 Commissioner shall not be required to provide further evidence of
24 such allegations.

25 5. Without admitting the truth of the allegations
26 pertaining to them contained in the remaining paragraphs of the
27 Amended Accusation as to them, Respondents stipulate that they

1 will not interpose a defense thereto. This Stipulation is based
2 on the factual allegations as to Respondents contained in the
3 Amended Accusation. In the interests of expedience and economy,
4 Respondents choose not to contest these allegations, but to
5 remain silent and understand that, as a result thereof, these
6 factual allegations, without being admitted or denied, will serve
7 as the basis for the disciplinary action stipulated to herein.
8 The Real Estate Commissioner shall not be required to provide
9 further evidence to prove said factual allegations.

10 6. It is understood by the parties that the Real
11 Estate Commissioner may adopt the Stipulation and Agreement as
12 the decision in this matter thereby imposing the penalty and
13 sanctions on the real estate licenses and license rights of
14 Respondents, and each of them, as set forth in the below "Order".
15 In the event that the Commissioner in her discretion does not
16 adopt the Stipulation and Agreement, it shall be void and of no
17 effect, and Respondents shall retain the rights to a hearing and
18 proceeding on the Amended Accusation under all the provisions of
19 the APA and shall not be bound by any admission or waiver made
20 herein.

21 7. The Order or any subsequent Order of the Real
22 Estate Commissioner made pursuant to this Stipulation and
23 Agreement shall not constitute an estoppel, merger or bar to any
24 further administrative or civil proceedings by the Department
25 of Real Estate with respect to any matters which were not
26 specifically alleged to be causes for accusation in this
27 proceeding.

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DETERMINATION OF ISSUES

By reason of the foregoing stipulations, admissions and waivers and for the purpose of settlement of the pending Amended Accusation as to Respondents without a hearing, it is stipulated and agreed that the following determination of issues shall be made:

I

The acts and/or omissions of Respondent ROMAN EMPIRE, INC., as stipulated above, constitute grounds for disciplinary action against the real estate license and license rights of Respondent under the provisions of Sections 10137 and 10177(d) of the California Business and Professions Code.

II

The acts and/or omissions of Respondent SHERRY ANN WILSON, as stipulated above, constitute grounds for disciplinary action against the real estate license and license rights of Respondent under the provisions of Section 10177(h) of the Code.

ORDER

A. All real estate licenses and license rights of Respondents ROMAN EMPIRE, INC., and SHERRY ANN WILSON shall be suspended for a period of ninety (90) days from the effective date of the Decision.

B. The first sixty (60) days of said suspension are stayed for a period of two (2) years upon the following terms and conditions:

- (1) Respondents shall obey all laws, rules and regulations governing the rights, duties and

1 responsibilities of a real estate licensee in the
2 State of California; and,

3 (2) The Commissioner may, if a final subsequent
4 determination is made, after hearing or upon
5 stipulation, that cause for disciplinary action
6 against the licenses of Respondents, or either of
7 them, has occurred within two (2) years from the
8 effective date of the Decision, vacate and set
9 aside the stay order and reimpose all or a portion
10 of the stayed suspension as to that Respondent.
11 Should no order vacating the stay be made pursuant
12 to this condition or condition C below, the stay
13 imposed herein as to each Respondent shall become
14 permanent.

15 C. If Respondents, or either of them, petition the
16 Department in writing pursuant to Section 10175.2 of the Code
17 prior to the effective date of the Decision, the remaining thirty
18 (30) days of said suspension as to that Respondent shall be
19 stayed upon condition that:

20 (1) Each petitioning Respondent shall pay a monetary
21 penalty pursuant to Section 10175.2 of the Code at
22 the rate of \$100.00 for each day of suspension for
23 a total monetary penalty of \$3,000.00 as to each
24 Respondent, or \$6,000.00 for both.

25 (2) Said payment shall be in the form of a cashier's
26 check or certified check made payable to the
27 Recovery Account of the Real Estate Fund. Said

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check must be received by the Department prior to the effective date of the Decision in this matter.

(3) No further cause for disciplinary action against the real estate license of the petitioning Respondent(s) occurs within two (2) years from the effective date of the Decision.

(4) If the petitioning Respondent(s) fails to pay the monetary penalty in accordance with the terms and conditions of the Decision, the Commissioner may, without a hearing, order the immediate execution of all or any part of the stayed suspension, in which event, such Respondent shall not be entitled to any repayment nor credit, prorated or otherwise, for money paid to the Department under the terms of this Decision.

(5) If the petitioning Respondent(s) pay the monetary penalty and if no further cause for disciplinary action against the real estate licenses of such Respondent(s) occurs within two (2) years from the effective date of the Decision, the stay hereby granted in this condition and in condition B above to Respondent(s) shall become permanent.

(6) If the Real Estate Commissioner determines that further cause for disciplinary action against the respective license has occurred within two (2) years from the effective date of the Decision, the stay of suspension hereby granted to that

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Respondent, or such portion of the stay as the
Real Estate Commissioner shall deem appropriate,
shall be vacated.

September 13, 2000
DATED

Deidre L. Johnson
DEIDRE L. JOHNSON
Counsel for the Complainant

* * *

I have read the Stipulation and Agreement, have
discussed it with my 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, and I willingly, intelligently and voluntarily
waive those rights, including the right of requiring the
Commissioner to prove the allegations in the Amended 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.

ROMAN EMPIRE, INC.
Respondent

DATED

By _____

8-24-2000
DATED

Sherry Ann Wilson
SHERRY ANN WILSON
Respondent

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Respondent, or such portion of the stay as the
Real Estate Commissioner shall deem appropriate,
shall be vacated.

September 13, 2000
DATED

Deidre L. Johnson
DEIDRE L. JOHNSON
Counsel for the Complainant

* * *

I have read the Stipulation and Agreement, have
discussed it with my 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, and I willingly, intelligently and voluntarily
waive those rights, including the right of requiring the
Commissioner to prove the allegations in the Amended 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.

ROMAN EMPIRE, INC.
Respondent

DATED

By Sherry Ann Wilson

DATED

SHERRY ANN WILSON
Respondent

1 APPROVED AS TO FORM:
2

3 9-11-00
4

DATED

David Hamerslough

DAVID HAMERSLOUGH
Counsel for Respondents

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8 * * *

9
10 The foregoing Stipulation and Agreement is hereby
11 adopted as my Decision and shall become effective at 12 o'clock
12 noon on December 18, 2000.

13 IT IS SO ORDERED November 15, 2000.
14

15 PAULA REDDISH ZINNEMANN
16 Real Estate Commissioner

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

FILED
NOV 28 2000

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

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

11 * * *

13 In the Matter of the Amended)
14 Accusation of)
15 ROMAN EMPIRE, INC.,)
16 SHERRY ANN WILSON, and)
17 EDGAR SANTIAGO MORALES,)
Respondent.)

NO. H-7804 SF

STIPULATION AND AGREEMENT
(AS TO EDGAR SANTIAGO
MORALES ONLY.)

18 It is hereby stipulated by and between EDGAR SANTIAGO
19 MORALES, (hereafter Respondent) represented by Maxine Monaghan,
20 Attorney at Law, and the Complainant, acting by and through
21 Deidre L. Johnson, Counsel for the Department of Real Estate,
22 as follows for the purpose of settling and disposing the
23 Amended Accusation filed on May 11, 2000, 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 Amended Accusation, which hearing
27 was to be held in accordance with the provisions of the

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

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

7 3. On March 22, 2000, 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 Amended
10 Accusation. Respondent hereby freely and voluntarily withdraws
11 the Notice of Defense. Respondent acknowledges that he
12 understands that by withdrawing said Notice of Defense he will
13 thereby waive his rights to require the Commissioner to prove the
14 allegations in the Amended Accusation at a contested hearing held
15 in accordance with the provisions of the APA, and that he will
16 waive other rights afforded to him in connection with the
17 hearing, such as the right to present evidence in defense of the
18 allegations in the Amended Accusation and the right to cross-
19 examine witnesses.

20 4. Respondent, pursuant to the limitations set forth
21 below, hereby admits that the factual allegations in Paragraphs I
22 through VI of the Amended Accusation filed in this proceeding are
23 true and correct and the Real Estate Commissioner shall not be
24 required to provide further evidence of such allegations.

25 5. Without admitting the truth of the remaining
26 allegations contained in the Amended Accusation, Respondent
27 stipulates that he will not interpose a defense thereto. This

1 Stipulation is based on the factual allegations contained in the
2 Amended Accusation. In the interests of expedience and economy,
3 Respondent chooses not to contest these allegations, but to
4 remain silent and understands that, as a result thereof, these
5 factual allegations, without being admitted or denied, will serve
6 as a basis for the disciplinary action stipulated to herein. The
7 Real Estate Commissioner shall not be required to provide further
8 evidence to prove said factual allegations.

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

19 7. The Order or any subsequent Order of the Real
20 Estate Commissioner made pursuant to this Stipulation and
21 Agreement shall not constitute an estoppel, merger or bar to any
22 further administrative or civil proceedings by the Department of
23 Real Estate with respect to any matters which were not
24 specifically alleged to be causes for Amended Accusation in this
25 proceeding.

26 ///

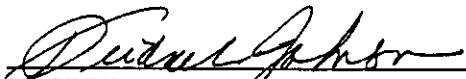
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Should no such determination be made, the stay imposed herein shall become permanent.

October 13, 2000

DATED



DEIDRE L. JOHNSON
Counsel for the Complainant

* * *

I have read the Stipulation and Agreement, have discussed it with my counsel or understand that I have the right to consult with 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, and I willingly, intelligently and voluntarily waive those rights, including the right of requiring the Commissioner to prove the allegations in the Amended 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.

9/30/00

DATED

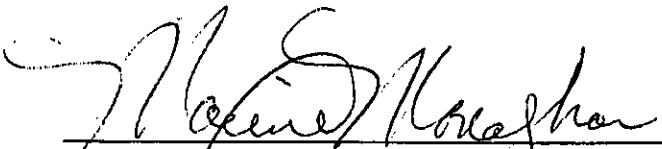


EDGAR SANTIAGO MORALES
Respondent

APPROVED AS TO FORM:

9/28/00

DATED



MAXINE MONAGHAN
Attorney for Respondent

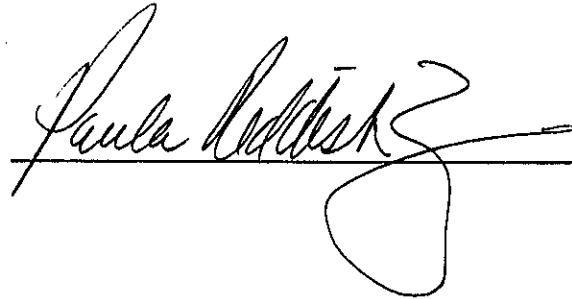
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* * *

The foregoing Stipulation and Agreement is hereby
adopted as my Decision and shall become effective at 12 o'clock
noon on December 18, 2000.

IT IS SO ORDERED November 15, 2000.

PAULA REDDISH ZINNEMANN
Real Estate Commissioner



FILED
AUG - 8 2000

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

In the Matter of the Accusation of

ROMAN EMPIRE, INC.,
SHERRY ANN WILSON, and
EDGAR SANTIAGO MORALES,

Case No. H-7804 SF

OAH No. N-2000060204

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, The Elihu Harris State

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

on September 15, 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: August 8, 2000

By Deidre L. Johnson
DEIDRE L. JOHNSON Counsel

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
JUN 20 2000
DEPARTMENT OF REAL ESTATE
By Kathleen Contreras

In the Matter of the Accusation of

ROMAN EMPIRE, INC.,
SHERRY ANN WILSON, and
EDGAR SANTIAGO MORALES,

Case No. H-7804 SF

OAH No. N-2000060204

Respondent

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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, the Elihu Harris State

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

on August 8, 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: June 19, 2000

By Deidre L. Johnson
DEIDRE L. JOHNSON Counsel

1 DEIDRE L. JOHNSON, Counsel
State Bar No. 66322
2 Department of Real Estate
P. O. Box 187000
3 Sacramento, CA 95818-7000
4 Telephone: (916) 227-0789

FILED

MAY 11 2000

DEPARTMENT OF REAL ESTATE

By Kathleen Contreras

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7 Amended to
8 correct
9 Wilson's
10 name

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)
13 ROMAN EMPIRE, INC.,)
14 SHERRY ANN WILSON, and)
15 EDGAR SANTIAGO MORALES,)
Respondents.)

NO. H-7804 SF

AMENDED ACCUSATION

16
17 The Complainant, Les R. Bettencourt, a Deputy Real
18 Estate Commissioner of the State of California, for causes of
19 amended accusation against ROMAN EMPIRE, INC., SHERRY ANN WILSON,
20 and EDGAR SANTIAGO MORALES, is informed and alleges as follows:

21
22 PRELIMINARY ALLEGATIONS

23 I

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

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II

Respondents ROMAN EMPIRE, INC., SHERRY ANN WILSON, and EDGAR SANTIAGO MORALES 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).

III

At all times herein mentioned, Respondent ROMAN EMPIRE, INC. (hereafter ROMAN) was and is licensed by the Department of Real Estate (hereafter the Department) as a real estate broker corporation.

IV

At all times herein mentioned, Respondent SHERRY ANN WILSON (hereafter WILSON) was and is licensed by the Department of Real Estate (hereafter the Department) as a real estate broker, and as the designated broker officer of ROMAN.

V

On or about November 3, 1998, the real estate salesperson license of Respondent EDGAR SANTIAGO MORALES (hereafter MORALES) expired. At no time herein between about November 3, 1998, and May 8, 1999, was MORALES licensed by the Department as either a real estate broker or salesperson. On or about May 8, 1999, MORALES was licensed by the Department as a real estate salesperson.

VI

At all times herein mentioned, Respondent ROMAN engaged in the business of, acted in the capacity of, advertised or assumed to act as a real estate broker within the

1 State of California, for or in expectation of compensation,
2 including the operation and conduct of a real property sales
3 business with the public wherein buyers and sellers were
4 solicited, and sales and purchases of real property were
5 negotiated and consummated.

6
7 FIRST CAUSE OF ACTION
(ROMAN and MORALES)

8 VII

9 During the period from at least January 18, 1999, to
10 May 8, 1999, when MORALES' license was expired, Respondent
11 MORALES was employed by or associated with ROMAN and performed
12 activities for ROMAN for which a real estate license is required,
13 for or in expectation of compensation. MORALES solicited, and/or
14 negotiated sales and purchases of real property, and/or was paid
15 commissions by ROMAN in various transactions, including but not
16 limited to the following:

17

18 CLOSE OF ESCROW	BUYER	PROPERTY	NET COMMISSION
19 3/10/99	John Davis	245 N. 14 th St.	\$4,353.85
20 3/30/99	Ben Escobar	895 Tybalt Dr.	\$9,482.64
21 3/31/99	P. Montes	85 Rancho Dr.	\$3,451.52
22 4/29/99	Aspiras/DeFunto	3270 Mt.Ranier Dr.	\$1,737.22
23 4/30/99	L. Carrillo	533 N. 22 nd . St.	\$ 228.80
24 4/30/99	Y. Yurkovetsky	2679 Yerba Cliff Ct.	\$1,980.16

25 VIII

26 The acts and/or omissions of Respondent MORALES as
27 alleged above violate Section 10130 of the Code, and constitute

1 grounds for disciplinary action against MORALES pursuant to
2 Sections 10137 and 10177(d) of the Code.

3 IX

4 The above acts and/or omissions of ROMAN in employing
5 and/or compensating MORALES, when MORALES was not duly licensed
6 by the Department constitute grounds for disciplinary action
7 against ROMAN pursuant to Sections 10137 and 10177(d) of the
8 Code.

9
10 SECOND CAUSE OF ACTION
11 (WILSON)

12 X

13 As the designated officer of ROMAN, WILSON failed to
14 supervise the activities conducted on behalf of ROMAN by its
15 officers and employees as necessary to secure full compliance
16 with the provisions of the Real Estate Law, and in particular
17 failed to supervise and/or maintain systems for licensing and
18 compensation of agents.

19 XI

20 The above acts and/or omissions of Respondent WILSON
21 constitute grounds for disciplinary action pursuant to Section
22 10177(h) of the Code.

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

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10
11 *Les R. Bettencourt*
12 LES R. BETTENCOURT
13 Deputy Real Estate Commissioner
14

15 Dated at Oakland, California,
16 this 27th day of March, 2000.
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1 DEIDRE L. JOHNSON, Counsel
State Bar No. 66322
2 Department of Real Estate
P. O. Box 187000
3 Sacramento, CA 95818-7000
4 Telephone: (916) 227-0789

FILED
MAR 07 2000

DEPARTMENT OF REAL ESTATE

By Jean A. [Signature]

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

11 * * *

12 In the Matter of the Accusation of)
13 ROMAN EMPIRE, INC.,) NO. H-7804 SF
14 SHIRLEY ANN WILSON, and)
EDGAR SANTIAGO MORALES,) ACCUSATION
15 Respondents.)
16

17 The Complainant, Les R. Bettencourt, a Deputy Real
18 Estate Commissioner of the State of California, for causes of
19 accusation against ROMAN EMPIRE, INC., SHIRLEY ANN WILSON, and
20 EDGAR SANTIAGO MORALES, is informed and alleges as follows:

21 PRELIMINARY ALLEGATIONS

22 I

23
24 The Complainant, Les R. Bettencourt, a Deputy Real
25 Estate Commissioner of the State of California, makes this
26 Accusation against Respondents in his official capacity and not
27 otherwise.

1 II

2 Respondents ROMAN EMPIRE, INC., SHIRLEY ANN WILSON, and
3 EDGAR SANTIAGO MORALES are presently licensed and/or have license
4 rights under the Real Estate Law, Part 1 of Division 4 of the
5 California Business and Professions Code (hereafter the Code).

6 III

7 At all times herein mentioned, Respondent ROMAN EMPIRE,
8 INC. (hereafter ROMAN) was and is licensed by the Department of
9 Real Estate (hereafter the Department) as a real estate broker
10 corporation.

11 IV

12 At all times herein mentioned, Respondent SHIRLEY ANN
13 WILSON (hereafter WILSON) was and is licensed by the Department
14 of Real Estate (hereafter the Department) as a real estate
15 broker, and as the designated broker officer of ROMAN.

16 V

17 On or about November 3, 1998, the real estate
18 salesperson license of Respondent EDGAR SANTIAGO MORALES
19 (hereafter MORALES) expired. At no time herein between about
20 November 3, 1998, and May 8, 1999, was MORALES licensed by the
21 Department as either a real estate broker or salesperson. On or
22 about May 8, 1999, MORALES was licensed by the Department as a
23 real estate salesperson.

24 VI

25 At all times herein mentioned, Respondent ROMAN
26 engaged in the business of, acted in the capacity of,
27 advertised or assumed to act as a real estate broker within the

1 State of California, for or in expectation of compensation,
2 including the operation and conduct of a real property sales
3 business with the public wherein buyers and sellers were
4 solicited, and sales and purchases of real property were
5 negotiated and consummated.

6
7 FIRST CAUSE OF ACTION
(ROMAN and MORALES)

8 VII

9 During the period from at least January 18, 1999, to
10 May 8, 1999, when MORALES' license was expired, Respondent
11 MORALES was employed by or associated with ROMAN and performed
12 activities for ROMAN for which a real estate license is required,
13 for or in expectation of compensation. MORALES solicited, and/or
14 negotiated sales and purchases of real property, and/or was paid
15 commissions by ROMAN in various transactions, including but not
16 limited to the following:

17

CLOSE OF ESCROW	BUYER	PROPERTY	NET COMMISSION
3/10/99	John Davis	245 N. 14 th St.	\$4,353.85
3/30/99	Ben Escobar	895 Tybalt Dr.	\$9,482.64
3/31/99	P. Montes	85 Rancho Dr.	\$3,451.52
4/29/99	Aspiras/DeFunto	3270 Mt.Ranier Dr.	\$1,737.22
4/30/99	L. Carrillo	533 N. 22 nd . St.	\$ 228.80
4/30/99	Y. Yurkovetsky	2679 Yerba Cliff Ct.	\$1,980.16

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25 VIII

26 The acts and/or omissions of Respondent MORALES as
27 alleged above violate Section 10130 of the Code, and constitute

1 grounds for disciplinary action against MORALES pursuant to
2 Sections 10137 and 10177(d) of the Code.

3 IX

4 The above acts and/or omissions of ROMAN in employing
5 and/or compensating MORALES, when MORALES was not duly licensed
6 by the Department constitute grounds for disciplinary action
7 against ROMAN pursuant to Sections 10137 and 10177(d) of the
8 Code.

9
10 SECOND CAUSE OF ACTION
11 (WILSON)

12 X

13 As the designated officer of ROMAN, WILSON failed to
14 supervise the activities conducted on behalf of ROMAN by its
15 officers and employees as necessary to secure full compliance
16 with the provisions of the Real Estate Law, and in particular
17 failed to supervise and/or maintain systems for licensing and
18 compensation of agents.

19 XI

20 The above acts and/or omissions of Respondent WILSON
21 constitute grounds for disciplinary action pursuant to Section
22 10177(h) of the Code.

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24 ///

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27 ///

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

8
9
10
11 
12 LES R. BETTENCOURT
13 Deputy Real Estate Commissioner

14
15 Dated at Oakland, California,
16 this 25th day of February, 2000.