

FILED

NOV 15 2007

DEPARTMENT OF REAL ESTATE

By H. Mar

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Application of	)	Case No. H-10028 SF
ALICIA MARIE CONTE,	)	OAH No. 2007060603
Respondent.	)	

DISMISSAL

Respondent withdrew her application for a real estate broker license. Therefore, the Statement of Issues herein filed on June 14, 2007, is DISMISSED.

IT IS SO ORDERED 11-13-07

JEFF DAVI  
Real Estate Commissioner



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8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Application of )  
12 ALICIA MARIE CONTE, ) No. H-10028 SF  
13 Respondent. ) STATEMENT OF ISSUES

14  
15 The Complainant, E.J. HABERER II, a Deputy Real Estate  
16 Commissioner of the State of California, for Statement of Issues  
17 against ALICIA MARIE CONTE (herein "Respondent"), alleges as  
18 follows:

19 I

20 Complainant, E.J. HABERER II, a Deputy Real Estate  
21 Commissioner of the State of California, makes this Statement of  
22 Issues in his official capacity.

23 II

24 On or about August 31, 2006, Respondent made  
25 application to the Department of Real Estate of the State of  
26 California (herein "the Department") for a real estate broker  
27 license.

1 III

2 On July 29, 2006, the Department issued a license to  
3 Respondent ALICIA MARIE CONTE (herein "CONTE") as a real estate  
4 salesperson. Respondent CONTE was never licensed by the  
5 Department either as a real estate broker or as a real estate  
6 salesperson prior to July 29, 2006.

7 IV

8 At all times herein mentioned, 1<sup>st</sup> OPTION MORTGAGE,  
9 INC. (herein "1<sup>st</sup> OPTION") engaged in the business of, acted in  
10 the capacity of, advertised, or assumed to act as a real estate  
11 broker within the State of California within the meaning of  
12 Section 10131(d) of the Business and Professions Code (herein  
13 "the Code"), including the operation and conduct of a mortgage  
14 loan brokerage business with the public wherein, on behalf of  
15 others, for compensation or in expectation of compensation, 1<sup>st</sup>  
16 OPTION solicited lenders and borrowers for loans secured  
17 directly or collaterally by liens on real property, and wherein  
18 Respondents arranged, negotiated, processed, and consummated  
19 such loans.

20 V

21 At all times mentioned herein from on or about May 1,  
22 2005 through on or about April 30, 2006, 1ST OPTION employed and  
23 compensated CONTE to perform the acts and conduct the activities  
24 described in Paragraph IV, above, including but not limited to  
25 the activities described in Paragraph VI, below.

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VI

From on or about May 1, 2005 through on or about April 30, 2006, in the course of the activities and employment described in Paragraphs IV and V, above, CONTE, acting for and on behalf of another or others, for or in expectation of compensation, without first being licensed by the Department either as a real estate salesperson or as a real estate broker, negotiated and arranged loans secured by liens on real property, including but not limited to the following ten loans:

(a) on or about April 21, 2005, a \$337,000 loan to Lori L. Alves to be secured by real property at 848 Portside Circle, Roseville, California ("Alves");

(b) on or about July 12, 2005, a \$264,000 loan to Andre D. Shevchuck to be secured by real property at 850 East Cotati, #4, Cotati, California ("Shevchuck");

(c) on or about July 25, 2005, a \$270,000 loan to Catherine L. Cook to be secured by real property at 800 Regatta Drive, Sacramento, California ("Cook");

(d) on or about December 1, 2005, a \$224,070 loan to Mike Gutierrez to be secured by real property at 616 Harris Avenue, Sacramento, California ("Gutierrez");

(e) on or about December 21, 2005, a \$400,000 loan to Sandra C. Ekhardt to be secured by real property at 441 Cumberland Road, Burlingame, California ("Ekhardt");

(f) on or about January 6, 2006, a \$47,250 loan to Maria G. Alamo to be secured by real property at 4916 Don Julio Boulevard, Sacramento, California ("Alamo");

1 (g) on or about January 12, 2006, a \$301,750 loan to  
2 Robin L. Dimos to be secured by real property at 7673 Old Auburn  
3 Road, Citrus Heights, California ("Dimos");

4 (h) on or about January 19, 2006, a \$150,000 loan to  
5 Clinton Thompson and Betty J. Williams-Thompson to be secured by  
6 real property at 1770 Rutgers Street, East Palo Alto, California  
7 ("Thompson"); and

8 (i) on or about February 3, 2006, a \$172,500 loan to  
9 Jonathan Wagner to be secured by real property at 10818 Painte  
10 Way, Rancho Cordova, California ("Wagner").

11 VII

12 In acting as described above, CONTE violated Section  
13 10130 of the Code.

14 VIII

15 The facts alleged above are grounds for denial of  
16 Respondent's application for a real estate broker license under  
17 Sections 480(a) and 10177(d) of the Code.

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1                   WHEREFORE, Complainant prays that the above-  
2 entitled matter be set for hearing and, upon proof of  
3 charges contained herein, that the Commissioner refuse to  
4 authorize the issuance of, and deny the issuance of a real  
5 estate salesperson license to Respondent, and for such other and  
6 further relief as may be proper in the premises.

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8   
9 E.J. HABERER II  
10 Deputy Real Estate Commissioner

11 Dated at Oakland, California,  
12 this 13<sup>th</sup> day of June, 2007.  
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