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**FILED**

FEB - 7 2014

BUREAU OF REAL ESTATE

By K. Contreras

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )

LEONARD DAENELE SARGENT, )

Respondent. )

NO. H-11648 SF

ACCUSATION

The Complainant, ROBIN S. TANNER, a Deputy Real Estate Commissioner of the State of California, in her official capacity makes this Accusation against LEONARD DAENELE SARGENT (herein "Respondent") and is informed and alleges as follows:

1

Respondent is licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code (herein "the Code").

2

At all times herein mentioned, Respondent is and was licensed by the Bureau of Real Estate (herein "the Bureau") as a real estate salesperson, said license is and was restricted as described in Paragraph 7, below.

3

At all times herein mentioned, Respondent engaged in the business of, acted in the capacity of, advertised, or assumed to act as a real estate salesperson for others for compensation

1 or in the expectation of compensation within the State of California within the meaning of  
2 Section 10131(a) of the Code, which included the sale or offer of sale, purchase or offer of  
3 purchase, solicitation of prospective sellers and purchasers of, solicitation or obtaining listings  
4 of, or negotiations of the purchase, sale or exchange of real property or a business opportunity.

5 4

6 On about October 1, 2013, in connection with the activities described in  
7 Paragraph 3, above, Respondent altered the date on an Invoice from Streamline, Inc. (herein the  
8 "Invoice") and altered the issue and expiration dates on a Compliance Certificate for Private  
9 Sewer Lateral (herein the "Certificate") for a property located on 11<sup>th</sup> Street, Oakland, CA  
10 (herein "the Property").

11 Respondent submitted the altered Invoice and Certificate, via email, to Melissa J.  
12 Whitmars (herein "Whitmars"), a Wells Fargo Bank employee, stating: "I paid the fee [\$5,780]  
13 for the sewer lateral upfront ...", when in fact, Respondent did not pay said fee upfront, in  
14 violation of Section 10176(a) and (i) and/or Section 10177(j) and/or (g) of the Code.

15 5

16 On about October 3, 2013, in connection with said \$5,780 fee referred to in  
17 Paragraph 4, above, Respondent altered the purchaser name, account number, and date on a  
18 Cashier's Check receipt (herein "CCr").

19 Respondent submitted the altered CCr, via email, to Alexander Dembowski, a  
20 Wells Fargo Bank employee, cc: Whitmars, stating: "Attached is a copy of the Cashier's Check  
21 receipt. I paid the entire amount [\$5,780]", when in fact Respondent was not the purchaser of the  
22 CCr, rather the purchaser was the seller of the Property, Kristina A. Le, in violation of Section  
23 10176(a) and (i) and/or Section 10177(j) and or (g) of the Code.

24 6

25 The facts alleged in Paragraphs 4 and 5, above, are grounds for the suspension or  
26 revocation of the license and license rights of Respondent under Sections 10176(a) and (i)  
27 and/or Section 10177(j) and/or (g) of the Code.

1 PRIOR DISCIPLINE

2 7

3 Effective on November 4, 2009, in Case No. H-10633 SF, the Real Estate  
4 Commissioner revoked Respondent's real estate salesperson license with leave to issue a  
5 restricted real estate salesperson license to Respondent, for violating Sections 490(a) and  
6 10177(b) of the Code.

7 COST RECOVERY

8 8

9 Investigation and Enforcement Costs

10 Section 10106 of the Code provides, in pertinent part, that in any order issued in  
11 resolution of a disciplinary proceeding before the Bureau, the Commissioner may request the  
12 Administrative Law Judge to direct a licensee found to have committed a violation of this part to  
13 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

14 WHEREFORE, Complainant prays that a hearing be conducted on the allegations  
15 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary  
16 action against all licenses and license rights of Respondent under the Real Estate Law (Part 1 of  
17 Division 4 of the Business and Professions Code), for the cost of the investigation and  
18 enforcement as permitted by law, and for such other and further relief as may be proper under  
19 other applicable provisions of law.

20  
21  
22 

23 ROBIN S. TANNER  
24 Deputy Real Estate Commissioner

25  
26 Dated at Oakland, California,

27 this 22<sup>nd</sup> day of January, 2014.