

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

.

In the Matter of the Accusation of) VALLEY HEIGHTS FUNDING, INC.,) dba All Nations Realty,) Respondent.)

No. H-31839 LA

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on August 18, 2005, and the findings of fact set forth herein are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and (3) other evidence.

FINDINGS OF FACT

1.

On April 21, 2005, Janice Waddell made the Accusation in her official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, return receipt requested, to Respondent's last known mailing address on file with the Department on April 21, 2005, and signed for.

On August 18, 2005, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.



At all times relevant herein, Respondent VALLEY HEIGHTS FUNDING, INC., dba All Nations Realty (hereafter "Respondent") was licensed and/or had license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code (hereafter "Code") as a corporate real estate broker. Respondent has been licensed by the Department of Real Estate of the State of California ("Department") as a corporate real estate broker since on or before September 29, 1994.

3.

Between on or about September 29, 1998 and September 28, 2002, Respondent was authorized to act by and through Charles Warren Merrill as the designated officer and broker responsible, pursuant to the provisions of Code Section 10159.2 for the supervision and control of the activities conducted on behalf of Respondent by Respondent's officers and employees. Between on or about September 29, 2002 and January 17, 2003, Respondent was authorized to act by and through Terry Hastings Merrill as its designated broker-officer. As of January 17, 2003, Terry Hastings Merrill notified the Department of his resignation as designated broker-officer of Respondent. Since that time, Respondent has not had a broker-officer designated pursuant to Code Section 10159.2.

Prior Discipline by Department of Real Estate

4.

Effective August 14, 2001, in Department of Real Estate Case No. H-27812 LA, Respondent's license was suspended for 60 days, all stayed on terms and conditions. It had been determined that Respondent was subject to discipline pursuant to Code Section 10177(d) for violation of Code Section 10145 and Sections 2831.1 and 2831.2 of Title 10, Chapter 6 of the California Code of Regulations.

Discipline by Department of Corporations

5.

On or about December 31, 1990, Respondent became incorporated under the laws of the State of California by filing its Articles of Incorporation (Corporate No. C1679215) with the Secretary of State.

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On or about January 2, 2002, pursuant to Section 23302 of the California Revenue and Taxation Code, Respondent's corporate powers, rights and privileges of were suspended by the Secretary of State due to Respondent's failure to pay taxes.

DETERMINATION OF ISSUES

1.

The suspension of Respondent's status as a California Corporation, as set forth above, constitutes grounds to discipline Respondent's real estate license pursuant to Business and Professions Code Sections 10177(f) and 10177(d) in conjunction with Section 2742, of Title 10, Chapter 6, California Code of Regulations.

2.

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

ORDER

The license and license rights of Respondent VALLEY HEIGHTS FUNDING, INC., dba All Nations Realty, 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 <u>September 29, 2005</u>.

1,30.05 DATED:

JEFF DAVI Real Estate Commissioner

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| 1 2 3 4 | Department of Real Estate 320 West Fourth Street, Suite 350 Los Angeles, California 90013-1105 (213) 576-6982 |
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| 8 | BEFORE THE DEPARTMENT OF REAL ESTATE |
| 9 | STATE OF CALIFORNIA |
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| 11 | In the Matter of the Accusation of) |
| 12 |) NO. H-31839 LA VALLEY HEIGHTS FUNDING, INC.,) dba All Nations Realty,) <u>DEFAULT ORDER</u> |
| 13 | Respondent. |
| 14 |) |
| 15 | Respondent, VALLEY HEIGHTS FUNDING, INC., |
| 16 | dba All Nations Realty, having failed to file a Notice of |
| 17 18 | Defense within the time required by Section 11506 of the |
| 19 | Government Code, is now in default. It is, therefore, ordered |
| 20 | that a default be entered on the record in this matter. |
| 21 | IT IS SO ORDERED August 18, 2005. |
| 22 | JEFF DAVI Real Estate Commissioner |
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| 25 | By: DOLORES WEEKS Regional Manager |
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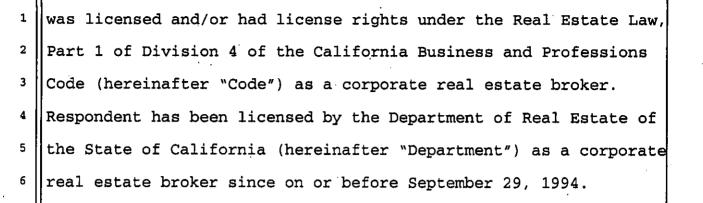
| | MARTHA J. ROSETT, Counsel (SBN 142072) DEPARTMENT OF REAL ESTATE |
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| 2 | Department of Real Estate 320 West Fourth St., #350 |
| . 3 | Los Angeles, CA 90013-1105 |
| · 4 | (213) 576-6982 (213) 576-6907 |
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| 8 | BEFORE THE DEPARTMENT OF REAL ESTATE |
| 9 | STATE OF CALIFORNIA |
| 10 | . * * * * |
| 11 | In the Matter of the Accusation of) No. H-31839 LA |
| 13 | VALLEY HEIGHTS FUNDING, INC.,) dba All Nations Realty,) A C C U S A T I O N |
| . 14 |) |
| 15 | Respondents.) |
| 16 | The Complainant, Janice Waddell, a Deputy Real Estate |
| 17 18 | Commissioner of the State of California, for cause of Accusation |
| 19 | against VALLEY HEIGHTS FUNDING, INC., dba All Nations Realty |
| 20 | (hereinafter "Respondent"), is informed and alleges as follows: |
| 21 | 1. |
| 22 | The Complainant, Janice Waddell, a Deputy Real Estate |
| 23 | Commissioner of the State of California, makes this Accusation in |
| 24 | her official capacity. 2. |
| 25 26 | At all times relevant herein, Respondent VALLEY HEIGHTS |
| 20 27 | FUNDING, INC., dba All Nations Realty (hereinafter "Respondent"), |
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3.

8 Between on or about September 29, 1998 and September 9 28, 2002, Respondent was authorized to act by and through Charles 10 Warren Merrill as the designated officer and broker responsible, 11 pursuant to the provisions of Code Section 10159.2 for the supervision and control of the activities conducted on behalf of 12 13 Respondent by Respondent's officers and employees. Between on or about September 29, 2002 and January 17, 2003, Respondent was 14 15 authorized to act by and through Terry Hastings Merrill as its 16 designated broker-officer. As of January 17, 2003, Terry 17 Hastings Merrill notified the Department of his resignation as designated broker-officer of Respondent. Since that time, 18 Respondent has not had a broker-officer designated pursuant to 19 20 Code Section 10159.2.

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Case No. H-27812 LA, Respondent's license was suspended for 60
days, all stayed on terms and conditions. It had been determined
that Respondent was subject to discipline pursuant to Business
and Professions Code ("Code") Section 10177(d) for violation of

- 2 .-



Code Section 10145 and Sections 2831.1 and 2831.2 of Title 10, 1 2 Chapter 6 of the California Code of Regulations. 3 Discipline by Department of Corporations 4 5. 5 On or about December 31, 1990, Respondent became 6 incorporated under the laws of the State of California by filing 7 its Articles of Incorporation (Corporate No. C1679215) with the 8 Secretary of State. 9 6. 10 On or about January 2, 2002, pursuant to Section 23302 11 of the California Revenue and Taxation Code, Respondent's

¹² corporate powers, rights and privileges of were suspended by the
 ¹³ Secretary of State due to Respondent's failure to pay taxes.

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The suspension of Respondent's status as a California Corporation, as set forth above, constitutes grounds to discipline Respondent's real estate license pursuant to Business and Professions Code Section 10177(f) and/or 10177(d) in conjunction with Section 2742, of Title 10, Chapter 6, California Code of Regulations.

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| 1 | WHEREFORE, the 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 |
| 4 | action against all licenses and/or license rights of Respondent |
| .5 | VALLEY HEIGHTS FUNDING, INC. under the Real Estate Law and for |
| 6 | such other and further relief as may be proper under applicable |
| 7 | provisions of law. |
| 8 | Dated at Los Angeles, Cąlifornia |
| . 9 | this <u>20</u> day of <u>APRUL</u> , 2005. |
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| 13 | Deputy Real Estate Commissioner |
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| 21 | cc: Valley Heights Funding, Inc. |
| 22 | Sacto. |
| . 23 | Janice Waddell PK |
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