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**FILED**

AUG 16 2011

DEPARTMENT OF REAL ESTATE

BY: 

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )	
DANIEL JOHN YSAIS )	NO. H-35553 LA
Respondent )	

ORDER SUSPENDING REAL ESTATE LICENSE

TO: DANIEL JOHN YSAIS, Respondent  
35476 Camino Capistrano  
Capistrano Beach, CA 92624

On June 14, 2010, Respondent's license and licensing rights were suspended for a period of sixty (60) days, subject to the terms, conditions and restrictions set forth in the Stipulation and Agreement filed May 24, 2010, in Case No. H-35553 LA. This Stipulation provided that the sixty (60) days suspension period shall be stayed upon certain conditions. Among those terms, Respondent was required to, within six (6) months from the effective date of the Decision,

1 take, complete, and pass the Professional Responsibility  
2 Examination administered by the Department, including the payment  
3 of the appropriate examination fee. The Commissioner has  
4 determined that as of December 14, 2010, Respondent has failed to  
5 satisfy this condition.

6 NOW, THEREFORE, IT IS ORDERED under authority of the  
7 Order issued in this matter that the real estate broker license  
8 heretofore issued to Respondent and the exercise of any  
9 privileges thereunder is hereby suspended until such time as  
10 Respondent provides proof satisfactory to the Department of  
11 compliance with the "condition" referred to above, or pending  
12 final determination made after hearing (see "Hearing Rights" set  
13 forth below).


14 IT IS FURTHER ORDERED that all license certificates and  
15 identification cards issued by Department which are in the  
16 possession of Respondent be immediately surrendered by personal  
17 delivery or by mailing in the enclosed, self-addressed envelope  
18 to:

19 Department of Real Estate  
20 Attn: Flag Section  
21 P. O. Box 187000  
22 Sacramento, CA 95818-7000

23 This Order is effective immediately.

24 DATED: August 11, 2011

25 Barbara J. Bigby  
26 Acting Real Estate Commissioner

27 

By WILLIAM E. MORAN  
Assistant Commissioner, Enforcement

1 Department of Real Estate  
2 320 West 4th Street, Ste. 350  
3 Los Angeles, California 90013-1105  
4 Telephone: (213) 576-6982 (office)

**FILED**

MAY 24 2010

DEPARTMENT OF REAL ESTATE  
BY: *[Signature]*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )

No. H-35553 LA )

12 CROWN LENDING CORPORATION; doing )  
13 business as Crown Realty Company; )  
14 and DANIEL JOHN YSAIS, )  
15 individually and as designated )  
16 officer of Crown Lending )  
17 Corporation, )

STIPULATION  
AND  
AGREEMENT

16 Respondents. )  
17 )  
18 )

18 It is hereby stipulated by and between Respondents  
19 CROWN LENDING CORPORATION and DANIEL JOHN YSAIS, individually and  
20 as designated officer of Crown Lending Corporation, (sometimes  
21 collectively referred to as "Respondents"), represented by Joseph  
22 C. Rosenblit, Esq., and the Complainant, acting by and through  
23 Elliott Mac Lennan, Counsel for the Department of Real Estate, as  
24 follows for the purpose of settling and disposing of the  
25 Accusation ("Accusation") filed on December 18, 2008, in this  
26 matter:  
27

1           1. All issues which were to be contested and all  
2 evidence which was to be presented by Complainant and Respondents  
3 at a formal hearing on the Accusation, which hearing was to be  
4 held in accordance with the provisions of the Administrative  
5 Procedure Act ("APA"), shall instead and in place thereof be  
6 submitted solely on the basis of the provisions of this  
7 Stipulation and Agreement ("Stipulation").

8           2. Respondents have received, read and understand the  
9 Statement to Respondent, the Discovery Provisions of the APA and  
10 the Accusation filed by the Department of Real Estate in this  
11 proceeding.

12           3. Respondents timely filed a Notice of Defense  
13 pursuant to Section 11506 of the Government Code for the purpose  
14 of requesting a hearing on the allegations in the Accusation.  
15 Respondents hereby freely and voluntarily withdraw said Notice of  
16 Defense. Respondents acknowledge that they understand that by  
17 withdrawing said Notice of Defense they thereby waive their right  
18 to require the Commissioner to prove the allegations in the  
19 Accusation at a contested hearing held in accordance with the  
20 provisions of the APA and that they will waive other rights  
21 afforded to them in connection with the hearing such as the right  
22 to present evidence in their defense and the right to cross-  
23 examine witnesses.  
24

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

10                   5. This Stipulation is made for the purpose of  
11 reaching an agreed disposition of this proceeding and is  
12 expressly limited to this proceeding and any other proceeding or  
13 case in which the Department of Real Estate ("Department"), the  
14 state or federal government, or any agency of this state, another  
15 state or federal government is involved.

16                   6. It is understood by the parties that the Real  
17 Estate Commissioner may adopt this Stipulation as his Decision in  
18 this matter thereby imposing the penalty and sanctions on  
19 Respondents' real estate licenses and license rights as set forth  
20 in the "Order" herein below. In the event that the Commissioner  
21 in his discretion does not adopt the Stipulation, it shall be  
22 void and of no effect and Respondents shall retain the right to a  
23 hearing and proceeding on the Accusation under the provisions of  
24 the APA and shall not be bound by any stipulation or waiver made  
25 herein.  
26  
27

1           7. The Order or any subsequent Order of the Real  
2 Estate Commissioner made pursuant to this Stipulation shall not  
3 constitute an estoppel, merger or bar to any further  
4 administrative or civil proceedings by the Department of Real  
5 Estate with respect to any matters which were not specifically  
6 alleged to be causes for Accusation in this proceeding but do  
7 constitute a bar, estoppel and merger as to any allegations  
8 actually contained in the Accusations against Respondent herein.

9                                   DETERMINATION OF ISSUES

10           By reason of the foregoing, it is stipulated and agreed  
11 that the following determination of issues shall be made:

12                                   I.

13           The conduct, acts or omissions of CROWN LENDING  
14 CORPORATION and DANIEL JOHN YSAIS, as described in Paragraph 4,  
15 above, are in violation of Section 10162 of the Business and  
16 Professions Code ("Code") and Section 2715 of Title 10, Chapter 6  
17 of the California Code of Regulations ("Regulations") and is a  
18 basis for discipline of Respondents' license and license rights  
19 as violation of the Real Estate Law pursuant to Code Section  
20 10177(d).

21                                   ORDER

22           WHEREFORE, THE FOLLOWING ORDER is hereby made:

23                                   I.

24           All license and licensing rights of Respondent CROWN  
25 LENDING CORPORATION are hereby revoked.  
26

II.

1  
2       The license and licensing rights of Respondent DANIEL  
3 JOHN YSAIS, under the Real Estate Law, are suspended for a period  
4 of sixty (60) days from the effective date of this Decision.

5       A. Provided, however, that if Respondent requests, all  
6 sixty days of said suspension (or a portion thereof) shall be  
7 stayed upon condition that:

8           1. Respondent pays a monetary penalty pursuant to  
9 Section 10175.2 of the Business and Professions Code at the rate  
10 of \$33.33 per day for each day of the suspension for a monetary  
11 penalty of \$2,000.

12           2. Said payment shall be in the form of a cashier's  
13 check or certified check made payable to the Recovery Account of  
14 the Real Estate Fund. Said check must be received by the  
15 Department prior to the effective date of the Decision in this  
16 matter.

17           3. No further cause for disciplinary action against  
18 the real estate license of Respondent occurs within two (2) years  
19 from the effective date of the Decision in this matter.

20           4. If Respondent fails to pay the monetary penalty in  
21 accordance with the terms of the Decision, the Commissioner may,  
22 without a hearing, order the immediate execution of all or any  
23 part of the stayed suspension, in which event the Respondent  
24 shall not be entitled to any repayment nor credit, prorated or  
25

1 otherwise, for money paid to the Department under the terms of  
2 this Decision.

3 5. If Respondent pays the monetary penalty and if no  
4 further cause for disciplinary action against the real estate  
5 license of Respondent occurs within two (2) years from the  
6 effective date of the Decision, the stay hereby granted shall  
7 become permanent.

8 III.

9 Respondent DANIEL JOHN YSAIS shall within six (6)  
10 months from the effective date of the Decision herein, take and  
11 pass the Professional Responsibility Examination administered by  
12 the Department including the payment of the appropriate  
13 examination fee. If Respondent fails to satisfy this condition,  
14 the Commissioner may order suspension of Respondent's license  
15 until Respondent passes the examination.

16 IV.

17 Prior to the effective date of the Decision, Respondent  
18 DANIEL JOHN YSAIS shall submit proof satisfactory to the Real  
19 Estate Commissioner which provides evidence that 369 Bekins boxes  
20 of Crown Lending Corporation real estate client files be properly  
21 disposed of pursuant to Civil Code Section 1798.81 (Security  
22 procedures and practices with respect to personal information  
23 about California residents). If Respondent fail to satisfy this  
24 condition, all licenses and licensing rights of Respondent shall  
25 be indefinitely suspended, unless or until such proof is  
26 provided.  
27






MAILING AND FACSIMILE

1 Respondents (1) shall mail the original signed  
2 signature page of the stipulation herein to Elliott Mac Lennan:  
3 Attention: Legal Section, Department of Real Estate, 320 W.  
4 Fourth St., Suite 350, Los Angeles, California 90013-1105.

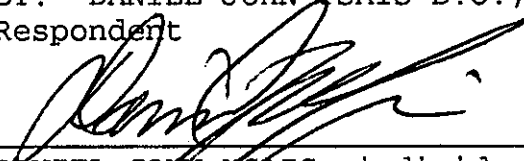
5 Respondents shall also (2) facsimile a copy of signed signature  
6 page, to the Department at the following telephone/fax number:  
7 (213) 576-6917, Attention: Elliott Mac Lennan.

8  
9 A facsimile constitutes acceptance and approval of the  
10 terms and conditions of this stipulation. Respondents agree,  
11 acknowledge and understand that by electronically sending to the  
12 Department a facsimile copy of Respondents' actual signature as  
13 it appears on the stipulation that receipt of the facsimile copy  
14 by the Department shall be as binding on Respondents as if the  
15 Department had received the original signed stipulation.

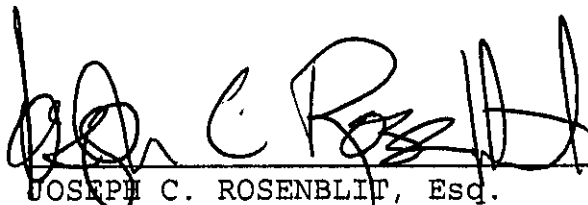
16  
17 DATED: 12/28/09

  
CROWN LENDING CORPORATION, a  
corporate real estate broker,  
BY: DANIEL JOHN YSAIS D.O.,  
Respondent

18  
19  
20  
21 DATED: 12/28/09

  
DANIEL JOHN YSAIS, individually and  
as designated officer of Crown  
Lending Corporation, Respondent

22  
23  
24  
25 DATED: 12/28/2009

  
JOSEPH C. ROSENBLIT, Esq.  
Attorney for Respondents

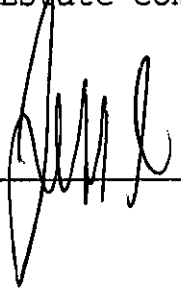
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The foregoing Stipulation and Agreement is hereby  
adopted as my Decision as to Respondents CROWN LENDING  
CORPORATION and DANIEL JOHN YSAIS, individually and as designated  
officer of Crown Lending Corporation and shall become effective  
at 12 o'clock noon on June 14, 2010.

IT IS SO ORDERED                     , 2010.

JEFF DAVI  
Real Estate Commissioner

  
\_\_\_\_\_

1 ELLIOTT MAC LENNAN, SBN 66674  
2 Department of Real Estate  
3 320 West 4th Street, Ste. 350  
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6911 (direct)  
6 -or- (213) 576-6982 (office)

**FILED**

DEC 18 2008

DEPARTMENT OF REAL ESTATE

BY: *[Signature]*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 CROWN LENDING CORPORATION, doing )  
13 business as Crown Realty Company; )  
14 and DANIEL JOHN YSAIS, )  
15 individually and as designated )  
16 officer of Crown Lending )  
17 Corporation, )

16 Respondents. )

No. H-35553 LA

A C C U S A T I O N

18 The Complainant, Robin Trujillo, a Deputy Real Estate  
19 Commissioner of the State of California, for cause of Accusation  
20 against CROWN LENDING CORPORATION dba Crown Lending Company and  
21 DANIEL JOHN YSAIS, individually and as designated officer of  
22 Crown Lending Corporation, alleges as follows:

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1.

1 The Complainant, Robin Trujillo, acting in her official  
2 capacity as a Deputy Real Estate Commissioner of the State of  
3 California, makes this Accusation against CROWN LENDING  
4 CORPORATION and DANIEL JOHN YSAIS.  
5

2.

6  
7 All references to the "Code" are to the California  
8 Business and Professions Code and all references to "Regulations"  
9 are to Title 10, Chapter 6, California Code of Regulations.  
10

#### 11 LICENSE HISTORY

3.

12  
13 A. At all times mentioned, CROWN LENDING CORPORATION.  
14 ("CLC") was licensed or had license rights issued by the  
15 Department of Real Estate ("Department") as a real estate broker.  
16 On May 22, 2002, CLC was originally licensed as a real estate  
17 broker.

18 B. At all times mentioned, DANIEL JOHN YSAIS ("YSAIS")  
19 was licensed or had license rights issued by the Department as a  
20 real estate broker. On January 19, 1999, YSAIS was originally  
21 licensed as a real estate broker. At all times mentioned, during  
22 the period of the audit report, set forth below, YSAIS was  
23 licensed as the designated officer of CLC.

24 C. At all times material herein, CLC was licensed by  
25 the Department as a corporate real estate broker by and through  
26 YSAIS, as the designated officer and broker responsible, pursuant  
27 to Code Section 10159.2 of the Business and Professions Code for

1 supervising the activities requiring a real estate license  
2 conducted on behalf CLC of by CLC's officers, agents and  
3 employees, including YSAIS.

4 BROKERAGE

5 4.

6 At all times mentioned, in the City of San Clemente,  
7 County of Orange, CLC acted as a real estate broker and conducted  
8 licensed activities within the meaning of Code Section 10131(d).  
9 CLC operated a mortgage and loan brokerage.

10 INVESTIGATION

11 5.

12 Between September 10, 2008 and October 6, 2008, the  
13 Department conducted an investigation of the books and records of  
14 CLC pertaining to the mortgage loan activities described in  
15 Paragraph 4, that require a real estate license. The  
16 investigation revealed violations of the Code and the Regulations  
17 as set forth in the following paragraphs.  
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VIOLETIONS OF THE REAL ESTATE LAW

6.

In the course of activities described in Paragraphs 4 and 5, above, Respondents CLC and YSAIS, acted in violation of the Code and the Regulations in that they:

(a) Abandoned CLC's office located at 161 Avenida Vaquero, San Clemente, California, and file storage unit at All Size Self Storage, 911 Calle Amanecer, San Clemente, California, including 369 Bekin's boxes of client files, without notification to the Department, in violation of Code Section 10162 and Regulation 2715; and

(b) Failed to retain all records of CLC's activities requiring a real estate broker license during the past three years including sales and loan transaction files for CLC's real estate clients and further including listings, real estate contracts, canceled checks, escrow and trust records, as required by Code Section 10148.

7.

The conduct of Respondents CLC and YSAIS, described in Paragraph 6, above, violated the Code and the Regulations as set forth below:

PARAGRAPH

PROVISIONS VIOLATED

6(a)

Code Section 10162 and Regulation 2715

///

1  
2  
3 The foregoing violations constitute cause for the suspension or  
4 revocation of the real estate license and license rights of CLC  
5 and YSAIS under the provisions of Code Sections 10165, 10177(d)  
6 and/or 10177(g).

## NEGLIGENCE

8.

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8  
9 The overall conduct of Respondents CLC and YSAIS in  
10 abandoning CLC'S office including, but not limited to, abandoning  
11 his office and his storage unit of 369 Bekins boxes containing  
12 the files of real estate clients that contained, inter alia,  
13 employment, residential and personal financial data including  
14 social security numbers, and for not retaining client files,  
15 constitutes negligence. This conduct and violation are cause for  
16 the suspension or revocation of the real estate license and  
17 license rights of said pursuant to Code Section 10177(g).

## LACK OF SUPERVISION AND COMPLIANCE

9.

18  
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20  
21 The overall conduct of Respondent YSAIS constitutes a  
22 failure on his part, as officer designated by a corporate broker  
23 licensee, to exercise the reasonable supervision and control over  
24 the licensed activities of CLC as required by Code Section  
25 10159.2, and to keep CLC in compliance with the Real Estate Law,  
26 and is cause for the suspension or revocation of the real estate  
27



1 license and license rights of YSAIS pursuant to the provisions of  
2 Code Sections 10177(d), 10177(g) and 10177(h).

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

11 Dated at Los Angeles, California

12 this 17 day of December, 2008. Robin Trujillo  
13 Deputy Real Estate Commissioner  
14  
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24 cc: Crown Lending Corporation  
25 c/o Daniel John Ysais D.O.  
26 Robin Trujillo  
27 Sacto  
Nick Cain