

FILED

AUG - 5 2011

DEPARTMENT OF REAL ESTATE

BY: *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)

PMS PROPERTY MANAGEMENT doing)
business as Western Realtors)
& Property Management;)
and MARIAL LOUISE SANDERS,)
as designated officer of)
PMS Property Management,)

No. H- 37318 LA

Respondents,

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 June 30, 2011, and the findings of fact set forth herein are based on one or more of the following:
(1) Respondent PMS PROPERTY MANAGEMENT's and MARIAL LOUISE SANDERS's express admissions; (2) affidavits; and
(3) other evidence.

FACTUAL FINDINGS

1.

On June 1, 2011, Maria Suarez made the Accusation in her official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation,

Statement to Respondents PMS PROPERTY MANAGEMENT and MARIAL LOUISE SANDERS. The Accusation, Statement to Respondent, and Notice of Defense were mailed by certified mail, to Respondents' last known mailing addresses on file with the Department on June 1, 2011. All references to the "Code" are to the California Business and Professions Code and all references to "Regulations" are to Title 10, Chapter 6, California Code of Regulations.

2.

On June 30, 2011, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondents PMS PROPERTY MANAGEMENT and MARIAL LOUISE SANDERS default was entered herein.

License History

3.

A. At all times mentioned, PMS PROPERTY MANAGEMENT ("PMSPM") was licensed or had license rights issued by the Department of Real Estate ("Department") as a corporate real estate broker. On October 23, 2004, PMSPM was originally licensed as a corporate real estate broker. PMSPM corporate license expired on October 22, 2008.

B. At all times mentioned, MARIAL LOUISE SANDERS ("SANDERS") was licensed or had license rights issued by the Department as a real estate broker. On September 22, 2004, SANDERS was originally licensed as a real estate broker. On October 23, 2004, SANDERS was licensed as PMSPM's designated officer.

C. At all times material herein, PMSPM was licensed by the Department as a corporate real estate broker by and through SANDERS, as the designated officer and broker responsible, pursuant to Code Section 10159.2 of the Business and Professions Code for supervising the activities requiring a real estate license conducted on behalf PMSPM by PMSPM's officers, agents and employees, including SANDERS, as herein set forth.

D. PMSPM is owned by SANDERS, PMSPM's president and treasurer.

Brokerage

4.

At all times mentioned, in the City of Bell, County of Los Angeles, Respondents PMSPM and SANDERS engaged in the business of, acted in the capacity of, advertised or assumed to act as real estate brokers within the meaning of Code Section 10131(b), including the operation and conduct of a property management brokerage with the public wherein, for or in expectation of compensation, for another or others, Respondents leased or rented or offered to lease or rent, or placed for rent, or solicited listings of places for rent, or solicited for prospective tenants, or collected rents from real property, or improvements thereon.

FIRST CAUSE OF ACCUSATION (Audit)

5.

On May 4, 2011, the Department completed an audit examination of the books and records of PMSPM pertaining to the property management activities described in Finding 4, that require a real estate license. The audit examination covered a period of time beginning on July 1, 2007 to July 31, 2010. The audit examination revealed violations of the Code and the Regulations as set forth in the following Findings, and more fully discussed in Audit Report LA 100015 and the exhibits and work papers attached to said audit report.

Bank Accounts

6.

At all times mentioned, in connection with the activities described in Finding 4, above, PMSPM accepted or received funds including funds in trust (hereinafter "trust funds") from or on behalf of actual or prospective parties to transactions handled by PMSPM including property owners and tenants. PMSPM maintained two bank accounts:

"PMS Property Management dba Western Realtors and
Property Management
xxxxxxxx4299"
Wells Fargo Bank
Portland, Oregon

(B/A #1)

"Expanded Business Services Packages
xxxxxxx3337"

Wells Fargo Bank
Portland, Oregon

(B/A #2)

Violations of the Real Estate Law

7.

In the course of activities described in Findings 4 and 6, above, and during the examination period described in Finding 5, Respondents PMSPM and SANDERS, acted in violation of the Code and the Regulations in that Respondents:

(a)(1) Permitted, allowed or caused the disbursement of trust funds from B/A #1, where the disbursement of funds reduced the total of aggregate funds in B/A #1, to an amount which, on July 31, 2010, the cutoff date of the audit examination, was \$17,964.00, less than the existing aggregate trust fund liability to every principal who was an owner of said funds, without first obtaining the prior written consent of the owners of said funds, in violation of Code Section 10145 and Regulations 2832.1.

(a)(2) Permitted, allowed or caused the disbursement of trust funds from B/A #2, where the disbursement of funds reduced the total of aggregate funds in B/A #2, to an amount which, on September 24, 2009 the cutoff date of the audit examination, was \$15,364.00, less than the existing aggregate trust fund liability to every principal who was an owner of said funds, without first obtaining the prior written consent of the owners of said funds, in violation of Code Section 10145 and Regulations 2832.1.

(b) PMSPM continued to engage in licensed activities after PMSPM's corporate license expired on October 22, 2008 without renewal, in violation of Code Section 10130.

(c) Failed to maintain a control record in the form of a columnar record in chronological order of all trust funds received, deposited and disbursed, in violation of Code Section 10145 and Regulation 2831.

(d) Failed to maintain an accurate and complete separate record for each beneficiary or transaction, thereby failing to account for all trust funds received, deposited and disbursed for the bank accounts, in violation of Code Section 10145 and Regulation 2831.1.

(e) Failed to perform a monthly reconciliation of the balance of all separate beneficiary or transaction records maintained pursuant to Regulation 2831.1 with the record of all trust funds received and disbursed by both trust accounts, in violation of Code Section 10145 and Regulations 2831.2.

(f) PMSPM failed to place trust funds, including security deposits and tenant rents, accepted on behalf of another into the hands of the owner of the funds, a neutral escrow depository or into a trust fund account in the name of the trustee at a bank or other financial institution. Bank account B/A #1 and B/A #2 were neither set up as nor designated as trust accounts, in violation of Code Section 10145 of the Code and Regulation 2832(a).

(g) Mixed and commingled trust funds and personal funds by depositing appraisal and credit report fees received from escrow into CIS' general operating account and issuing checks from said account to the appraisers or credit companies after the escrow checks were deposited, in violation of Code Sections 10145 and 10176(e) and Regulation 2832.

(h) Converted trust funds through the instrumentality of making inter-account transfers without written authorization from the trust fund owners. Unauthorized transfers were made during the period of October 2009 to July 2010 for B/A #1 and unauthorized transfers were made during the period of March 2009 to September 2009, B/A #2, in violation of Code Sections 10145 and 10176(i).

The unauthorized inter-account trust fund transfers deposited into PMSPM's general operating account reduced the amount in PMSPM's general operating account to an amount less than the amount of the trust funds transferred, constituting conversion.

(i) PMSPM received undisclosed compensation by overcharging management fees for the Labra property owner properties: 11216 Figueroa, 2033 E. Imperial Hwy, 9222

McNerney and 223 Mathisen, in violation of Code Section 10176(g).

According to the property management agreement between PMSPM and Labra properties owner, the property management fees to PMSPM is 3.75% over rents collected.

(j) During the audit period, PMSPM's corporate status was suspended by the California Secretary of State for non payment of 2006 income taxes to the California Franchise Tax Board, yet PMSPM continued to conduct operations to date, in violations of Code Section 10177(f) and Regulation 2742(c).

(k) Failed to retain all records of PMSPM's activity during the audit period requiring a real estate broker license, in violation of Code Section 10148.

(l) SANDERS failed to exercise adequate supervision over PMSPM's activities requiring a real estate license to ensure compliance the Real Estate Laws and Regulations and had no system in place for regularly monitoring PMSPM's compliance with the Real Estate Law, in violation of Code Sections 10159.2 and 10177(h) and Regulation 2725.

SECOND CAUSE OF ACCUSATION
(Negligence)

8.

The overall conduct of PMSPM and SANDERS constitutes negligence and is cause for the discipline of the real estate license and license rights of said Respondents pursuant to Code Section 10177(g).

THIRD CAUSE OF ACCUSATION
(Fiduciary Duty)

9.

The overall conduct of Respondents PMSPM and SANDERS constitutes a breach of fiduciary duty with respect to the said Respondent's real estate consumers and clientele including property owners and tenants. This conduct and violation is cause for discipline of the real estate license and license rights of Respondents PMSPM and SANDERS pursuant to Code Section 10176(i) and 10177(g).

FOURTH CAUSE OF ACCUSATION
(Broker Supervision)

10.

The overall conduct of Respondent SANDERS constitutes a failure on her part, as officer designated by a corporate broker licensee, to exercise the reasonable supervision and control over the licensed activities of PMSPM as required by Code Section 10159.2. This conduct is cause for discipline of the real estate license and license rights of SANDERS pursuant to the provisions of Code Sections 10177(d), 10177(g) and 10177(h).

DETERMINATION OF ISSUES.

1.

The conduct, acts and/or omissions of Respondents PMS PROPERTY MANAGEMENT and MARIAL LOUISE SANDERS, as described in Finding 7, herein above, is in violation of Code Sections 10130, 10145, 10148, 10240 and 10241.2 and Regulations 2742(c), 2831, 2831.1, 2831.2, 2832.1, 2832(a), 2840 and 2840.1 is cause for disciplinary action pursuant to Code Sections 10176(i), 10177(d), 10177(f) and 10177(g).

2.

The conduct, acts and/or omissions of Respondents PMS PROPERTY MANAGEMENT and MARIAL LOUISE SANDERS, as described in Finding 8, herein above is cause for disciplinary action pursuant to Code Section 10177(g).

3.

The conduct, acts and/or omissions of Respondents PMS PROPERTY MANAGEMENT and MARIAL LOUISE SANDERS, as described in Finding 9, herein above is cause for disciplinary action pursuant to Code Sections 10176(i) and 10177(g).

4.

The conduct, acts and/or omissions of Respondent MARIAL LOUISE SANDERS as described in Finding 10, herein above, is in violation of Code Section 10159.2 and Regulation 2725 and is

cause for disciplinary action pursuant to Code Sections 10177(h),
10177(d) and 10177(g).

5.

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

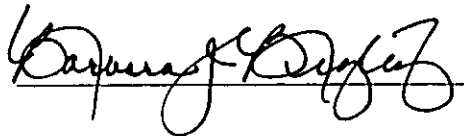
ORDER

The real estate broker license and license rights
of Respondent PMS PROPERTY MANAGEMENT and MARIAL LOUISE
SANDERS, 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 August 25, 2011

DATED: 7/28, 2011

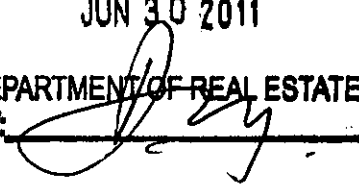
BARBARA J. BIGBY
Acting Real Estate Commissioner



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

FILED

JUN 30 2011

DEPARTMENT OF REAL ESTATE
BY: 

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

No. H-37318 LA

12 PMS PROPERTY MANAGEMENT doing)
13 business as Western Realtors)
14 & Property Management;)
15 and MARIAL LOUISE SANDERS,)
as designated officer of)
PMS Property Management,)

16 Respondents,)

17 DEFAULT ORDER

18 Respondents PMS PROPERTY MANAGEMENT and MARIAL LOUISE
19 SANDERS, individually and as designated officer of PMS Property
20 Management, having failed to file a Notice of Defense within the
21 time required by Section 11506 of the Government Code, is now in
22 default. It is, therefore, ordered that a default be entered on
23 the record in this matter.

24 ///

25 ///

26 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

IT IS SO ORDERED

June 30, 2011

BARBARA J. BIGBY
Acting Real Estate Commissioner

Dolores Weeks

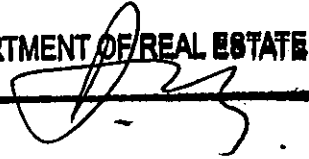
By: DOLORES WEEKS
Regional Manager

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

JUN -6 2011

DEPARTMENT OF REAL ESTATE
BY: 

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

No. H- 37318 LA

12 PMS PROPERTY MANAGEMENT doing)
13 business as Western Realtors)
14 & Property Management;)
15 and MARIAL LOUISE SANDERS,)
16 as designated officer of)
17 PMS Property Management,)

A C C U S A T I O N

18 Respondents.)

17 The Complainant, Maria Suarez, a Deputy Real Estate
18 Commissioner of the State of California, for cause of Accusation
19 against PMS PROPERTY MANAGEMENT and MARIAL LOUISE SANDERS, as
20 designated officer of PMS Property Management alleges as follows:

21 1.

22 The Complainant, Maria Suarez, makes this Accusation in
23 her official capacity.

24 ///

25 ///

26 ///

2.

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

3.

A. At all times mentioned, PMS PROPERTY MANAGEMENT ("PMSPM") was licensed or had license rights issued by the Department of Real Estate ("Department") as a corporate real estate broker. On October 23, 2004, PMSPM was originally licensed as a corporate real estate broker. PMSPM corporate license expired on October 22, 2008

B. At all times mentioned, MARIAL LOUISE SANDERS ("SANDERS") was licensed or had license rights issued by the Department as a real estate broker. On September 22, 2004, SANDERS was originally licensed as a real estate broker. On October 23, 2004, SANDERS was licensed as PMSPM's designated officer.

C. At all times material herein, PMSPM was licensed by the Department as a corporate real estate broker by and through SANDERS, as the designated officer and broker responsible, pursuant to Code Section 10159.2 of the Business and Professions Code for supervising the activities requiring a real estate license conducted on behalf PMSPM by PMSPM's officers, agents and employees, including SANDERS, as herein set forth.

D. PMSPM is owned by SANDERS, PMSPM's president and treasurer.

Brokerage

4.

At all times mentioned, in the City of Bell, County of Los Angeles, Respondents PMSPM and SANDERS engaged in the business of, acted in the capacity of, advertised or assumed to act as real estate brokers within the meaning of Code Section 10131(b), including the operation and conduct of a property management brokerage with the public wherein, for or in expectation of compensation, for another or others, Respondents leased or rented or offered to lease or rent, or placed for rent, or solicited listings of places for rent, or solicited for prospective tenants, or collected rents from real property, or improvements thereon.

FIRST CAUSE OF ACCUSATION

(Audit)

5.

On May 4, 2011, the Department completed an audit examination of the books and records of PMSPM pertaining to the property management activities described in Paragraph 4, that require a real estate license. The audit examination covered a period of time beginning on July 1, 2007 to July 31, 2010. The audit examination revealed violations of the Code and the Regulations as set forth in the following paragraphs, and more fully discussed in Audit Report LA 100015 and the exhibits and work papers attached to said audit report.

Bank Accounts

6.

At all times mentioned, in connection with the activities described in Paragraph 4, above, PMSPM accepted or received funds including funds in trust (hereinafter "trust funds") from or on behalf of actual or prospective parties to transactions handled by PMSPM including property owners and tenants. PMSPM maintained two bank accounts:

"PMS Property Management dba Western Realtors and Property Management
xxxxxxxx4299"
Wells Fargo Bank
Portland, Oregon

(B/A #1)

"Expanded Business Services Packages
xxxxxxxx3337"
Wells Fargo Bank
Portland, Oregon

(B/A #2)

Violations of the Real Estate Law

7.

In the course of activities described in Paragraphs 4 and 6, above, and during the examination period described in Paragraph 5, Respondents PMSPM and SANDERS, acted in violation of the Code and the Regulations in that Respondents:

(a)(1) Permitted, allowed or caused the disbursement of trust funds from B/A #1, where the disbursement of funds reduced the total of aggregate funds in B/A #1, to an amount which, on July 31, 2010, the cutoff date of the audit examination, was

1 \$17,964.00, less than the existing aggregate trust fund liability
2 to every principal who was an owner of said funds, without first
3 obtaining the prior written consent of the owners of said funds,
4 in violation of Code Section 10145 and Regulations 2832.1.

5 (a)(2) Permitted, allowed or caused the disbursement of
6 trust funds from B/A #2, where the disbursement of funds reduced
7 the total of aggregate funds in B/A #2, to an amount which, on
8 September 24, 2009 the cutoff date of the audit examination, was
9 \$15,364.00, less than the existing aggregate trust fund liability
10 to every principal who was an owner of said funds, without first
11 obtaining the prior written consent of the owners of said funds,
12 in violation of Code Section 10145 and Regulations 2832.1.

13 (b) PMSPM continued to engage in licensed activities
14 after PMSPM's corporate license expired on October 22, 20008
15 without renewal, in violation of Code Section 10130.

16 (c) Failed to maintain a control record in the form of
17 a columnar record in chronological order of all trust funds
18 received, deposited and disbursed, in violation of Code Section
19 10145 and Regulation 2831.

20 (d) Failed to maintain an accurate and complete
21 separate record for each beneficiary or transaction, thereby
22 failing to account for all trust funds received, deposited and
23 disbursed for the bank accounts, in violation of Code Section
24 10145 and Regulation 2831.1.

25
26 ///

1 (e) Failed to perform a monthly reconciliation of the
2 balance of all separate beneficiary or transaction records
3 maintained pursuant to Regulation 2831.1 with the record of all
4 trust funds received and disbursed by both trust accounts, in
5 violation of Code Section 10145 and Regulations 2831.2.

6 (f) PMSPM failed to place trust funds, including
7 security deposits and tenant rents, accepted on behalf of another
8 into the hands of the owner of the funds, a neutral escrow
9 depository or into a trust fund account in the name of the
10 trustee at a bank or other financial institution. Bank account
11 B/A #1 and B/A #2 were neither set up as nor designated as trust
12 accounts, in violation of Code Section 10145 of the Code and
13 Regulation 2832(a).

14 (g) Mixed and commingled trust funds and personal funds
15 by depositing appraisal and credit report fees received from
16 escrow into CIS' general operating account and issuing checks
17 from said account to the appraisers or credit companies after the
18 escrow checks were deposited, in violation of Code Sections 10145
19 and 10176(e) and Regulation 2832.

20 (h) Converted trust funds through the instrumentality
21 of making inter-account transfers without written authorization
22 from the trust fund owners. Unauthorized transfers were made
23 during the period of October 2009 to July 2010 for B/A #1 and
24 unauthorized transfers were made during the period of March 2009
25 to September 2009, B/A #2, in violation of Code Sections 10145
26 and 10176(i).
27

1 The unauthorized inter-account trust fund transfers
2 deposited into PMSPM's general operating account reduced the
3 amount in PMSPM's general operating account to an amount less
4 than the amount of the trust funds transferred, constituting
5 conversion.

6 Table: B/A #1 Unauthorized Inter-Account Transfers

7 Transfer	8 Amount	
9 <u>to account</u>	<u>Transferred</u>	<u>Balance</u>
10 Sattlemeier old acct.	\$11,588.00	\$11,588.00
11 Gwin properties	2,224.00	13,812.00
12 Blanco properties	710.00	14,522.00
13 Ulate properties	1,650.00	16,172.00
14 Sanchez properties	<u>2,948.00</u>	\$19,120.00
15		
16		
17 Total trust funds transferred	<u>\$ 19,120.00</u>	

18
19 Table: B/A #1 Unauthorized Inter-Account Transfers

21 Transfer	22 Amount	<u>Balance</u>
<u>to account</u>	<u>Transferred</u>	
23		
24 Peg properties	\$ 550.00	\$550.00
25 Trust account (TA1)	<u>8,460.00</u>	\$9,010.00
26		
27 Total trust funds transferred	<u>\$ 9,010.00</u>	

(i) PMSPM received undisclosed compensation by overcharging management fees for the Labra property owner properties: 11216 Figueroa, 2033 E. Imperial Hwy, 9222 McNerney and 223 Mathisen, in violation of Code Section 10176(g).

Property Name	Fees Allowed per Contract	Actual Fees Collected	Date Collected	Overcharge Amount
11216 Figueroa	\$152.81	\$203.75	11/27/07	\$50.94
2033 E. Imperial	155.81	332.00	11/27/07	176.19
9222 McNerney	84.38	112.50	11/27/07	28.13
223 Mathisen	120.86	161.15	11/27/07	40.29
11226 Figueroa	152.81	203.75	12/26/07	50.94
2033 E. Imperial	219.90	256.50	12/26/07	36.80
9222 McNerney	84.38	112.50	12/26/07	28.13
223 Mathisen	141.94	189.25	12/26/07	47.31
11226 Figueroa	141.56	203.75	01/26/08	62.19
2033 E. Imperial	228.89	258.75	01/26/08	29.86
9222 McNerney	84.38	112.50	01/26/08	28.13
223 Mathisen	<u>154.24</u>	<u>183.15</u>	01/26/08	<u>28.91</u>
Totals	<u>\$1,721.96</u>	<u>\$2,329.55</u>		<u>\$607.62</u>

According to the property management agreement between PMSPM and Labra properties owner, the property management fees to PMSPM is 3.75% over rents collected.

(j) During the audit period, PMSPM's corporate status was suspended by the California Secretary of State for non payment of 2006 income taxes to the California Franchise Tax Board, yet PMSPM continued to conduct operations to date, in violations of Code Section 10177(f) and Regulation 2742(c).

(k) Failed to retain all records of PMSPM's activity during the audit period requiring a real estate broker license, in violation of Code Section 10148.

1 (1) SANDERS failed to exercise adequate supervision
2 over PMSPM's activities requiring a real estate license to ensure
3 compliance the Real Estate Laws and Regulations and had no system
4 in place for regularly monitoring PMSPM's compliance with the
5 Real Estate Law, in violation of Code Sections 10159.2 and
6 10177(h) and Regulation 2725.

7 Disciplinary Statutes And Regulations

8 8.

9 The conduct of Respondents PMSPM and SANDERS, as
10 alleged and described in Paragraph 7, above, violated the Code
11 and the Regulations as set forth below:

12 PARAGRAPH

PROVISIONS VIOLATED

13 7(a)

14 Code Section 10145 and Regulation
15 2832.1

16 7(b)

17 Code Section 10130

18 7(c)

19 Code Section 10145 and Regulation
20 2831

21 7(d)

22 Code Section 10145 and Regulation
23 2831.1

24 7(e)

25 Code Section 10145 and Regulation
26 2831.2
27

1	7(f)	Code Section 10145 and Regulation
2		2832(a)
3		
4	7(g)	Code Sections 10145 and 10176(e)
5		and Regulation 2832
6		
7	7(h)	Code Sections 10145 and 10176(i)
8		
9	7(i)	Code Section 10176(g)
10		
11		
12	7(j)	Code Section 10177(f) and
13		Regulation 2742(c)
14		
15	7(k)	Code Section 10148
16		
17	7(l)	Code Sections 10159.2 and 10177(h)
18		and Regulation 2725 (SANDERS)
19		

20 The foregoing violations constitute cause for discipline of the
21 real estate license and license rights of PMSPM and SANDERS under
22 the provisions of Code Sections 10176(a), 10176(e), 10176(g),
23 10176(i), 10177(f), 10177(d) and/or 10177(g).

24 ///

25 ///

26 ///

27 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

SECOND CAUSE OF ACCUSATION

(Negligence)

9.

The overall conduct of PMSPM and SANDERS constitutes negligence and is cause for the discipline of the real estate license and license rights of said Respondents pursuant to Code Section 10177(g).

THIRD CAUSE OF ACCUSATION

(Fiduciary Duty)

10.

The overall conduct of Respondents PMSPM and SANDERS constitutes a breach of fiduciary duty with respect to the said Respondent's real estate consumers and clientele including property owners and tenants. This conduct and violation is cause for discipline of the real estate license and license rights of Respondents PMSPM and SANDERS pursuant to Code Section 10176(i) and/or 10177(g).

FOURTH CAUSE OF ACCUSATION

(Broker Supervision)

11.

The overall conduct of Respondent SANDERS constitutes a failure on her part, as officer designated by a corporate broker licensee, to exercise the reasonable supervision and control over the licensed activities of PMSPM as required by Code Section 10159.2. This conduct is cause for discipline of the real estate

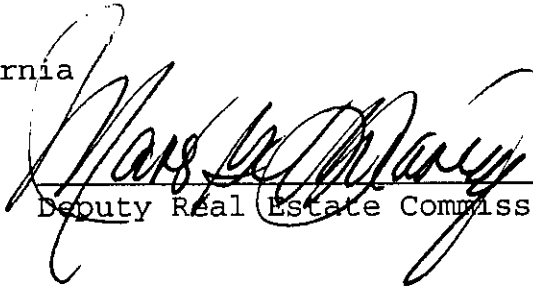
1 license and license rights of SANDERS pursuant to the provisions
2 of Code Sections 10177(d), 10177(g) and 10177(h).

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 PMS
7 PROPERTY MANAGEMENT and MARIAL LOUISE SANDERS, 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 including costs of
11 audit, restore shortages and conversion, restitution and
12 management fee overcharges to property owners where applicable
13 and pursuant to applicable provisions of the California
14 Administrative Procedure Act.

15
16 Dated at Los Angeles, California

17 this

18 1 June 2011.

19 
Deputy Real Estate Commissioner

20
21
22
23 cc: PMS Property Management
24 c/o Marial Louise Sanders D.O.
25 Maria Suarez
26 Enforcement - Charles White
27 Sacto
Audits - Isabel Beltran