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**FILED**

JUL 27 2012

DEPARTMENT OF REAL ESTATE  
BY: \_\_\_\_\_

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of ) No. H-38302 LA  
)  
N A NATIONWIDE MORTGAGE, ) A C C U S A T I O N  
NOELLE TIWANA WHEELER, )  
individually and as designated )  
officer of NA Nationwide )  
Mortgage, and )  
EDWARD BOGART, )  
)  
Respondents. )  
)

The Complainant, Maria Suarez, a Deputy Real Estate  
Commissioner of the State of California, for cause of Accusation  
against N A NATIONWIDE MORTGAGE, NOELLE TIWANA WHEELER,  
individually and as designated officer of N A Nationwide  
Mortgage, and EDWARD BOGART (collectively "Respondents"), is  
informed and alleges as follows:

1.

The Complainant, Maria Suarez, a Deputy Real Estate  
Commissioner of the State of California, makes this Accusation  
in her official capacity.

1 2.

2 Respondents are presently licensed and/or have license  
3 rights under the Real Estate Law (Part 1 of Division 4 of the  
4 California Business and Professions Code, "Code").

5 3.

6 From on or about December 5, 1998, through the  
7 present, Respondent N A NATIONWIDE MORTGAGE ("NANM") has been  
8 licensed by the Department of Real Estate ("Department") as a  
9 corporate real estate broker, Department ID 01247594.

10 4.

11 From on or about February 28, 1994, through the  
12 present, Respondent NOELLE TIWANA WHEELER ("WHEELER") has been  
13 licensed by the Department as a real estate broker, Department  
14 ID 01125188.

15 5.

16 During all times relevant herein, Respondent NANM was  
17 acting by and through Respondent WHEELER as its officer pursuant  
18 to Code Section 10159.2 to be responsible for ensuring  
19 compliance with the Real Estate Law.

20 6.

21 From on or about May 7, 1991, through the present,  
22 Respondent EDWARD BOGART, aka Edward J. Bogart ("BOGART"), was  
23 licensed by the Department as a real estate salesperson,  
24 Department ID 01109063. Respondent BOGART was licensed under  
25 the employment of broker NANM from August 8, 2007, through  
26 November 6, 2008. From November 7, 2008, through July 22, 2011,  
27 Respondent was licensed "NBA" - non working status due to no  
28

1 broker affiliation.

2 7.

3 Prior Discipline

4 Respondents NANM and WHEELER were publicly reproved by  
5 the Department in Case No. H-31749 LA. The public reproval was  
6 released on December 8, 2005.

7  
8 FIRST CAUSE OF ACCUSATION  
9 (BOGART)

10 8.

11 Code Section 10132 defines a real estate salesperson  
12 as a person who, for compensation or in expectation of  
13 compensation, is employed by a licensed real estate broker to do  
14 one or more of the acts set forth in Sections 10131, 10131.1,  
15 10131.2, 10131.3, 10131.4, and 10131.6. Code Section 10131  
16 defines a real estate broker as a person who: (a) sells or  
17 offers to sell, buys or offers to buy, solicits prospective  
18 sellers or purchasers of, solicits or obtains listings of, or  
19 negotiates the purchase, sale or exchange of real property or a  
20 business opportunity; or (d) solicits borrowers, negotiate  
21 loans, collects payments or perform services for borrowers in  
22 connection with loans secured directly or collaterally by liens  
23 on real property.

24 9.

25 In or around April, 2010, Respondent BOGART, while  
26 acting on behalf of Respondent NANM solicited and offered to  
27 perform refinance services for borrowers Frank and Mary S. in  
28 connection with loans secured directly or collaterally by liens

1 indirectly, any person for performing acts requiring a real  
2 estate license, who is not a real estate salesperson licensed  
3 under the broker employing or compensating him or her. Code  
4 Section 10161.8(a) states that whenever a real estate  
5 salesperson enters the employ of a real estate broker, the  
6 broker shall immediately notify the commissioner thereof in  
7 writing.

8 14.

9 Respondent NANM failed to promptly notify the  
10 Department in writing of Respondent BOGART's employment with  
11 NANM after November 7, 2008.

12 15.

13 The conduct, acts and/or omissions of Respondent NANM,  
14 as set forth in Paragraphs 13 and 14, above, constitute cause to  
15 suspend or revoke the real estate license and license rights of  
16 Respondent NANM under the provisions of Code Sections 10177(d)  
17 and/or 10177(g), for violation of Code Sections 10137 and  
18 10161.8.

19 THIRD CAUSE OF ACCUSATION  
20 (FAILURE TO SUPERVISE)

21 16.

22 There is hereby incorporated in this Third, separate  
23 and distinct Cause of Accusation, all of the allegations  
24 contained in Paragraphs 1 through 15, with the same force and  
25 effect as if herein fully set forth.

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1 17.

2 The conduct, acts and/or omissions of Respondent  
3 WHEELER, in allowing Respondents NANM and BOGART to violate the  
4 Real Estate Law, as set forth above, constitutes a failure by  
5 Respondent WHEELER, as the officer designated by the corporate  
6 broker licensee, to exercise the supervision and control of the  
7 activities conducted on behalf of NANM by its offices and  
8 employees as required by Code Section 10159.2 and Regulation  
9 2725, and is cause to suspend or revoke the real estate license  
10 and license rights of Respondent WHEELER pursuant to Code  
11 Sections 10177(h), 10177(d) and/or 10177(g).

12 18.

13 Code Section 10106 provides, in pertinent part, that  
14 in any order issued in resolution of a disciplinary proceeding  
15 before the Department of Real Estate, the Commissioner may  
16 request the administrative law judge to direct a licensee found  
17 to have committed a violation of this part to pay a sum not to  
18 exceed the reasonable costs of the investigation and enforcement  
19 of the case.

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1           WHEREFORE, 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 Respondents  
5 N A NATIONWIDE MORTGAGE, NOELLE TIWANA WHEELER, individually and  
6 as designated officer of N A Nationwide Mortgage, and EDWARD  
7 BOGART under the Real Estate Law (Part 1 of Division 4 of the  
8 Business and Professions Code), for the cost of investigation  
9 and enforcement as permitted by law, and for such other and  
10 further relief as may be proper under other provisions of law.  
11 this 23<sup>rd</sup> day of July, 2012.

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15           MARIA SUAREZ  
16           Deputy Real Estate Commissioner  
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23 cc: N A Nationwide Mortgage  
24       Noelle Tiwana Wheeler  
25       Edward Bogart  
26       Allied Financial Network, Inc.  
27       Maria Suarez  
28       Sacto.