

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

FILED  
JUN 02 2000

DEPARTMENT OF REAL ESTATE

By Jean Brunet

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of	)	
	)	No. H-2456 SAC
PLANNING HORIZONS CORPORATION,	)	<u>H-3201 SAC</u>
KENNETH WALTER FORD,	)	
	)	
Respondents.	)	

ORDER GRANTING REINSTATEMENT OF LICENSE

On April 19, 1990, in Case No. H-2456 SAC, a Decision was rendered herein revoking the real estate broker licenses of Respondents but granting Respondents the right to apply for restricted real estate broker licenses. Restricted real estate broker licenses were issued to Respondents on August 21, 1990.

On July 25, 1996, in Case No. H-3201 SAC, an Order was rendered revoking the restricted real estate broker licenses of Respondents, but granting Respondents the right to the issuance of restricted real estate broker licenses. Restricted real estate broker licenses were issued to Respondents on September 3, 1996.

///

1           On April 6, 1999, Respondents petitioned for  
2 reinstatement of their broker licenses and the Attorney General  
3 of the State of California has been given notice of the filing of  
4 said petitions.

5           I have considered the petitions of Respondents and the  
6 evidence and arguments in support thereof including Respondents'  
7 records as restricted licensees.

8           Respondents have failed to discharge the following  
9 adjudicated debts:

- 10           1. \$29,448.82 plus interest and attorney fees unpaid  
11           on the judgment in Webster v. Ford, et al.,  
12           Sacramento Superior Court Case No. 99AS06869.
- 13           2. \$56,814 unpaid on the judgment in Haft v. Woodleaf  
14           Partners, et al., Sacramento Superior Court Case  
15           No. 99AS04754.

16           However, Respondents have entered into bona fide  
17 arrangements to pay those debts and once those debts are paid,  
18 Respondents will have demonstrated to my satisfaction that  
19 Respondents meet the requirements of law for the issuance to  
20 Respondents of unrestricted real estate broker licenses and that  
21 it would not be against the public interest to issue said  
22 licenses to Respondents.

23           NOW, THEREFORE, IT IS ORDERED that Respondents'  
24 petition for reinstatement is granted and that real estate broker  
25 licenses be issued to Respondents if Respondents satisfy the  
26 following conditions within nine months from the date of this  
27 Order:

1                    1. Submittal of completed applications and payment  
2 of the fees for real estate broker licenses.

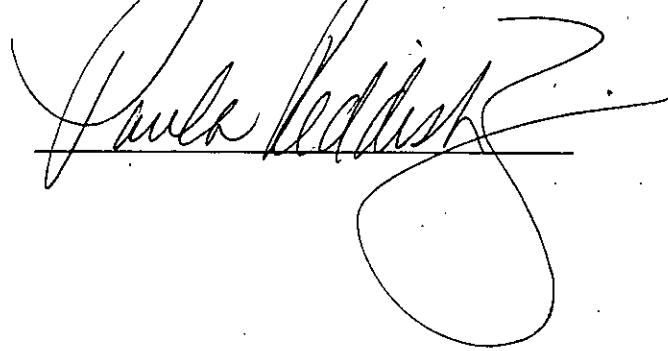
3                    2. Submittal of evidence of Respondent Ford having,  
4 since the most recent issuance of an original or renewal real  
5 estate license, taken and successfully completed the continuing  
6 education requirements of Article 2.5 of Chapter 3 of the Real  
7 Estate Law for renewal of a real estate license.

8                    3. Submittal of proof of payment of \$29,448.82 plus  
9 interest and attorney fees in Webster v. Ford, et al. and proof  
10 of payment of \$56,814 in Haft v. Woodleaf Partners, et al..

11                    This Order shall be effective immediately.

12                    DATED: May 16, 2000.  
13 \_\_\_\_\_

14                    PAULA REDDISH ZINNEMANN  
15                    Real Estate Commissioner

16   
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

1 DEPARTMENT OF REAL ESTATE  
2 P. O. Box 187000  
3 Sacramento, CA 95818-7000  
4  
5 Telephone: (916) 227-0789  
6  
7

FILED  
AUG 12 1996  
DEPARTMENT OF REAL ESTATE

By *Laurie A. Zain*

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of ) NO. H-3201 SAC  
12 )  
13 PLANNING HORIZONS CORPORATION, ) STIPULATION AND  
14 KENNETH WALTER FORD, ) AGREEMENT IN  
Respondents. ) SETTLEMENT AND ORDER

15 It is hereby stipulated by and between PLANNING HORIZONS  
16 CORPORATION (hereinafter "Respondent HORIZONS") and KENNETH WALTER  
17 FORD (hereinafter "Respondent FORD") and their attorney,  
18 Richard H. Gray, and the Complainant, acting by and through  
19 David A. Peters, Counsel for the Department of Real Estate, as  
20 follows for the purpose of settling and disposing of the  
21 Accusation file on March 28, 1996, in this matter:

- 22 1. All issues which were to be contested and all  
23 evidence which was to be presented by Complainant and Respondents  
24 at a formal hearing on the Accusation, which hearing was to be  
25 held in accordance with the provisions of the Administrative  
26 Procedure Act (APA), shall instead and in place thereof be  
27 ///

1 submitted solely on the basis of the provisions of this  
2 Stipulation and Agreement in Settlement.

3           2. Respondents have received, read and understand the  
4 Statement to Respondent, the Discovery Provisions of the APA and  
5 the Accusation filed by the Department of Real Estate in this  
6 proceeding.

7           3. On April 8, 1996, Respondents filed a Notice of  
8 Defense pursuant to Section 11505 of the Government Code for the  
9 purpose of requesting a hearing on the allegations in the  
10 Accusation. Respondents hereby freely and voluntarily withdraw  
11 said Notice of Defense. Respondents acknowledge that they  
12 understand that by withdrawing said Notice of Defense they will  
13 thereby waive their right to require the Commissioner to prove the  
14 allegations in the Accusation at a contested hearing held in  
15 accordance with the provisions of the APA and that they will waive  
16 other rights afforded to them in connection with the hearing such  
17 as the right to present evidence in defense of the allegations in  
18 the Accusation and the right to cross-examine witnesses.

19           4. Respondents, pursuant to the limitations set forth  
20 below, hereby admits that the factual allegations in Paragraphs VI  
21 through X of the Accusation filed in this proceeding are true and  
22 correct and the Real Estate Commissioner shall not be required to  
23 provide further evidence to prove such allegations.

24           5. It is understood by the parties that the Real  
25 Estate Commissioner may adopt the Stipulation and Agreement as his  
26 decision in this matter thereby imposing the penalty and sanctions  
27 on Respondents' real estate licenses and license rights as set



I

1  
2 The acts and/or omissions of Respondents described in  
3 Paragraphs IX and X of the Accusation, violate Section 10176(e) of  
4 the Business and Professions Code and Section 10177(d) of the  
5 Business and Professions Code in conjunction with Sections 2833  
6 and 2835 of Title 10, California Code of Regulations and are  
7 grounds for the suspension or revocation of the real estate  
8 licenses and all license rights of Respondents under the  
9 provisions of the Real Estate Law.

10 ORDER

11 I

12 A. The real estate broker license and all license  
13 rights of Respondent HORIZONS under the Real Estate Law are  
14 revoked.

15 B. A restricted real estate broker license shall be  
16 issued to Respondent HORIZONS pursuant to Business and Professions  
17 Code Section 10156.5 if Respondent HORIZONS makes application  
18 therefor and pays to the Department the appropriate fee for said  
19 license within ninety (90) days from the effective date of the  
20 Decision herein.

21 C. The restricted license issued to Respondent  
22 HORIZONS shall be subject to all the provisions of Section 10156.7  
23 of the Business and Professions Code and to the following  
24 limitations, conditions and restrictions imposed under authority  
25 of Section 10156.6 of said Code:

26 ///

27 ///

1           (1) The license shall not confer any property right in  
2 the privileges to be exercised, and the Real Estate Commissioner  
3 may by appropriate order suspend the right to exercise any  
4 privileges granted under the restricted license in the event of:

5           (a) The conviction of Respondent HORIZONS (including a  
6           plea of nolo contendere) to a crime which bears a  
7           significant relation to Respondent HORIZONS'

8           fitness or capacity as a real estate licensee; or

9           (b) The receipt of evidence that Respondent HORIZONS  
10           has violated provisions of the California Real  
11           Estate Law, Subdivided Lands Law, Regulations of  
12           the Real Estate Commissioner or conditions  
13           attaching to the restricted license.

14           (2) Respondent HORIZONS shall not be eligible to apply  
15 for issuance of an unrestricted real estate license nor the  
16 removal of any of the conditions, limitations or restrictions  
17 attaching to the restricted license until two (2) years has  
18 elapsed from the date of issuance of a restricted license to  
19 Respondent HORIZONS.

20           D. Any restricted real estate broker license issued to  
21 Respondent HORIZONS pursuant to this Decision shall be suspended  
22 for thirty (30) days from the effective date of issuance of said  
23 restricted license; provided, however, that:

24           (1) Respondent HORIZONS petitions pursuant to Section  
25 10175.2 of the Business and Professions Code and Respondent  
26 HORIZONS pays a monetary penalty pursuant to Section 10175.2 of  
27 the Code at a rate of \$50.00 for each day of the thirty (30) days



1 of suspension for a total monetary penalty of \$1,500.00.  
2 Respondent HORIZONS may at its discretion elect to stay a portion  
3 of the thirty (30) days of said suspension by payment of \$50.00  
4 monetary penalty for each day of suspension stayed.

5 (2) Said payment shall be in the form of a cashier's  
6 check or certified check made payable to the Recovery Account of  
7 the Real Estate Fund. Said check must be delivered to the  
8 Department prior to the effective date of the Decision in this  
9 matter. If Respondent HORIZONS fails to pay the monetary penalty  
10 in accordance with the terms and conditions of the Decision, the  
11 Commissioner may, without hearing, order the immediate execution  
12 of all or any part of the stayed suspension in which event  
13 Respondent HORIZONS shall not be entitled to any repayment nor  
14 credit, prorated or otherwise, for money paid to the Department  
15 under the terms of this Decision.

16 (3) If Respondent HORIZONS pays the monetary penalty  
17 and if no further cause for disciplinary action against the real  
18 estate license of Respondent HORIZONS occurs within two (2) years  
19 from the date of issuance of a restricted license to Respondent  
20 HORIZONS, the stay hereby granted shall become permanent.

21 E. Pursuant to Section 10148 of the Business and  
22 Professions Code, Respondent HORIZONS and/or Respondent FORD shall  
23 pay the Commissioner's reasonable cost for an audit to determine  
24 if Respondents have corrected the trust fund violations found in  
25 Paragraph I of the Determination of Issues. In calculating the  
26 amount of the Commissioner's reasonable cost, the Commissioner may  
27 use the estimated average hourly salary for all persons performing

1 audits of real estate brokers, and shall include an allocation for  
2 travel costs, including mileage, time to and from the auditor's  
3 place of work and per diem, the total of which shall not exceed  
4 \$2,392.50. Respondents shall pay such cost within 45 days of  
5 receiving and invoice from the Commissioner detailing the  
6 activities performed during the audit and the amount of time spent  
7 performing those activities. The Commissioner may, in his  
8 discretion, vacate and set aside the stay order, if payment is not  
9 timely made as provided for herein, or as provided for in a  
10 subsequent agreement between the Respondents and the Commissioner.  
11 The vacation and the set aside of the stay shall remain in effect  
12 until payment is made in full, or until Respondents enter into an  
13 agreement satisfactory to the Commissioner to provide for payment.  
14 Should no order vacating the stay be issued, either in accordance  
15 with this condition or conditions "1" and/or "2", the stay imposed  
16 herein shall become permanent.

17 F. Any restricted real estate broker license issued to  
18 Respondent HORIZONS may be suspended or revoked for a violation by  
19 Respondent HORIZONS of any of the conditions attaching to the  
20 restricted license.

21 II

22 A. The real estate broker license and all license  
23 rights of Respondent FORD under the Real Estate Law are revoked.

24 B. A restricted real estate broker license shall be  
25 issued to Respondent FORD pursuant to Business and Professions  
26 Code Section 10156.5 if Respondent FORD makes application therefor  
27 and pays to the Department the appropriate fee for said license

1 within ninety (90) days from the effective date of the Decision  
2 herein.

3 C. The restricted license issued to Respondent FORD  
4 shall be subject to all the provisions of Section 10156.7 of the  
5 Business and Professions Code and to the following limitations,  
6 conditions and restrictions imposed under authority of Section  
7 10156.6 of said Code:

8 (1) The license shall not confer any property right in  
9 the privileges to be exercised, and the Real Estate Commissioner  
10 may by appropriate order suspend the right to exercise any  
11 privileges granted under the restricted license in the event of:

12 (a) The conviction of Respondent FORD (including a plea  
13 of nolo contendere) to a crime which bears a  
14 significant relation to Respondent FORD's fitness  
15 or capacity as a real estate licensee; or

16 (b) The receipt of evidence that Respondent FORD has  
17 violated provisions of the California Real Estate  
18 Law, Subdivided Lands Law, Regulations of the Real  
19 Estate Commissioner or conditions attaching to the  
20 restricted license.

21 (2) Respondent FORD shall not be eligible to apply for  
22 issuance of an unrestricted real estate license nor removal of any  
23 of the conditions, limitations or restrictions attaching to the  
24 restricted license until two (2) years have elapsed from the date  
25 of issuance of a restricted license to Respondent FORD.

26 D. Any restricted real estate broker license issued to  
27 Respondent FORD pursuant to this Decision shall be suspended for

1 thirty (30) days from the effective date of issuance of said  
2 restricted license; provided, however, that:

3 (1) Respondent FORD petitions pursuant to Section  
4 10175.2 of the Business and Professions Code and Respondent FORD  
5 pays a monetary penalty pursuant to Section 10175.2 of the Code at  
6 a rate of \$50.00 for each day of the thirty (30) days of  
7 suspension for a total monetary penalty of \$1,500.00. Respondent  
8 FORD may at his discretion elect to stay a portion of the thirty  
9 (30) days of said suspension by payment of \$50.00 monetary penalty  
10 for each day of suspension stayed.

11 (2) Said payment shall be in the form of a cashier's  
12 check or certified check made payable to Recovery Account of the  
13 Real Estate fund. Said check must be delivered to the Department  
14 prior to the effective date of the Decision in this matter. If  
15 Respondent FORD fails to pay the monetary penalty in accordance  
16 with the terms and conditions of the Decision, the Commissioner  
17 may, without hearing, order the immediate execution of all or any  
18 part of the stayed suspension in which event Respondent FORD shall  
19 not be entitled to any repayment nor credit, prorated or  
20 otherwise, for money paid to the Department under the terms of  
21 this Decision.

22 (3) If Respondent FORD pays the monetary penalty and if  
23 no further cause for disciplinary action against the real estate  
24 license of Respondent FORD occurs within two (2) years from the  
25 date of issuance of a restricted license to Respondent FORD, the  
26 stay hereby granted shall become permanent.

27

1 E. Pursuant to Section 10148 of the Business and  
2 Professions Code, Respondent FORD and/or Respondent HORIZON shall  
3 pay the Commissioner's reasonable cost for an audit to determine  
4 if Respondents have corrected the trust fund violations found in  
5 Paragraph I of the Determination of Issues. In calculating the  
6 amount of the Commissioner's reasonable cost, the Commissioner may  
7 use the estimated average hourly salary for all persons performing  
8 audits of real estate brokers, and shall include an allocation for  
9 travel costs, including mileage, time to and from the auditor's  
10 place of work and per diem, the total of which shall not exceed  
11 \$2,392.50. Respondents shall pay such cost within 45 days of  
12 receiving an invoice from the Commissioner detailing the  
13 activities performed during the audit and the amount of time spent  
14 performing those activities. The Commissioner may, in his  
15 discretion, vacate and set aside the stay order, if payment is not  
16 timely made as provided for herein, or as provided for in a  
17 subsequent agreement between the Respondents and the Commissioner.  
18 The vacation and the set aside off the stay shall remain in effect  
19 until payment is made in full, or until Respondents enter into an  
20 agreement satisfactory to the Commissioner to provide for payment.  
21 Should no order vacating the stay be issued, either in accordance  
22 with this condition or conditions "1" and/or "2", the stay imposed  
23 herein shall become permanent.

24 F. Respondent FORD shall, within nine (9) months from  
25 the effective date of the Decision, present evidence satisfactory  
26 to the Real Estate Commissioner that he has, since the most recent  
27 issuance of an original or renewal real estate license, taken and

1 successfully completed the continuing education requirements of  
2 Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a  
3 real estate license. If Respondent FORD fails to satisfy this  
4 condition, the Commissioner may order the suspension of the  
5 restricted license until Respondent FORD presents such evidence.  
6 The Commissioner shall afford Respondent FORD the opportunity for  
7 a hearing pursuant to the Administrative Procedure Act to present  
8 such evidence.

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

16 H. Any restricted real estate broker license issued to  
17 Respondent FORD may be suspended or revoked for a violation by  
18 Respondent FORD of any of the conditions attaching to the  
19 restricted license.

20  
21 7/1/96  
22 DATED

David A. Peters  
23 DAVID A. PETERS, Counsel  
24 DEPARTMENT OF REAL ESTATE

25 \* \* \*

26 I have read the Stipulation and Agreement, have  
27 discussed it with my counsel, and its terms are understood by me  
and are agreeable and acceptable to me. I understand that I am  
waiving rights given to me by the California Administrative

1 Procedure Act (including but not limited to Sections 11506,  
2 11508, 11509, and 11513 of the Government Code), and I willingly,  
3 intelligently, and voluntarily waive those rights, including the  
4 right of requiring the Commissioner to prove the allegations in  
5 the Accusation at a hearing at which I would have the right to  
6 cross-examine witnesses against me and to present evidence in  
7 defense and mitigation of the charges.

8  
9 7/9/96  
DATED

*Kenneth Ford*  
PLANNING HORIZONS CORPORATION  
Respondent  
By: Kenneth Walter Ford

11  
12 7/9/96  
DATED

*Kenneth Walter Ford*  
KENNETH WALTER FORD  
Respondent

14 I have reviewed the Stipulation and Agreement as to  
15 form and content and have advised my clients accordingly.

16  
17 7-11-96  
DATED

*R.H. Gray*  
RICHARD H. GRAY  
Attorney for Respondents

19 \* \* \*

20 The foregoing Stipulation and Agreement for Settlement  
21 is hereby adopted by the Real Estate Commissioner as Decision and  
22 Order and shall become effective at 12 o'clock noon on

23 September 3, 1996.

24 IT IS SO ORDERED 7/25, 1996.

25 JIM ANTT, JR.  
Real Estate Commissioner

*Jm Antt Jr*  
PLANNING HORIZONS CORP.  
KENNETH WALTER FORD

FILED  
APR 23 1996

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

By *David A. Peters*

In the Matter of the Accusation of

PLANNING HORIZONS CORPORATION,  
KENNETH WALTER FORD,

Case No. H-3201 SAC

OAH No. N-9604152

Respondent

NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at the  
Office of Administrative Hearings, 501 J Street, Suite 220 (Second  
Floor Hearing Rooms), Sacramento, CA 95814

on Friday, June 21st, 1996, at the hour of 9:00 AM,  
or as soon thereafter as the matter can be heard, upon the Accusation served upon you.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter. The interpreter must be approved by the Administrative Law Judge conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the Administrative Law Judge directs otherwise.

DEPARTMENT OF REAL ESTATE

Dated: April 23, 1996

By *David A. Peters*  
DAVID A. PETERS *Counsel*



1 DAVID A. PETERS, Counsel  
2 Department of Real Estate  
3 P. O. Box 187000  
4 Sacramento, CA 95818-7000

5 Telephone: (916) 227-0789  
6  
7

FILED  
MAR 28 1996  
DEPARTMENT OF REAL ESTATE

By *Laurie A. Zin*

8 BEFORE THE  
9 DEPARTMENT OF REAL ESTATE  
10 STATE OF CALIFORNIA

11 \* \* \*

12 In the Matter of the Accusation of )  
13 PLANNING HORIZONS CORPORATION, ) No. H-3201 SAC  
14 KENNETH WALTER FORD, ) ACCUSATION  
15 Respondents. )

16 The Complainant, Charles W. Koenig, a Deputy Real Estate  
17 Commissioner of the State of California, for cause of Accusation  
18 against PLANNING HORIZONS CORPORATION (hereinafter "Respondent  
19 HORIZONS") and KENNETH WALTER FORD (hereinafter "Respondent FORD")  
20 is informed and alleges as follows:

21 I

22 The Complainant, Charles W. Koenig, a Deputy Real Estate  
23 Commissioner of the State of California, makes this Accusation  
24 against Respondent HORIZONS and Respondent FORD in his official  
25 capacity.

26 ///  
27 ///

1 II

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

6 III

7 At all times herein mentioned, Respondent HORIZONS was  
8 licensed as a restricted real estate broker corporation acting by  
9 and through Respondent FORD as its designated broker-officer.

10 IV

11 At all times herein mentioned, Respondent FORD was  
12 licensed as a restricted real estate broker and as the restricted  
13 real estate broker-officer for Respondent HORIZONS.

14 V

15 Whenever reference is made in an allegation in this  
16 Accusation to an act or omission of "Respondents", such allegation  
17 shall be deemed to mean the act or omission of each of the  
18 Respondents named in the caption hereof, acting individually,  
19 jointly and severally.

20 VI

21 Within the three-year period immediately preceding the  
22 filing of this Accusation, Respondents acting on behalf of another  
23 or others and in expectation of compensation, leased or rented,  
24 offered to lease or rent, solicited prospective tenants, or  
25 collected rents from certain real properties located in or near  
26 Sacramento, California.

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

VII

During the course of the property management activities described in Paragraph VI above, Respondents received and disbursed funds held in trust on behalf of another or others.

VIII

Within the three-year period immediately preceding the filing of this Accusation and continuing through on or about December 31, 1994, Respondents maintained the following trust fund accounts:

<u>Account Title &amp; No.</u>	<u>Bank</u>
Planning Horizons Management Deposit TR Account Account No. 0366-061760 (hereinafter "Trust #1")	Wells Fargo Bank Citrus Heights, CA
Planning Horizons Mgt. Partnership Trust Account Account No. 0366-063824 (hereinafter "Trust #2")	Wells Fargo Bank Citrus Heights, CA

IX

In connection with Trust #2, as of September 30, 1994, Respondents had an unexplained trust account overage of \$1,378.70. Respondent failed to perform a monthly reconciliation of said unexplained trust account overage as required by Section 2833 of Title 10, California Code of Regulations (hereinafter "Regulations").

X

In connection with the receipt and disbursement of trust funds described in Paragraph VII above, Respondents failed to comply with Section 2835 of the Regulations and in so doing

///

1 commingled with their own money or property, the money or property  
2 of others which had been received and held by them.

3 XI

4 The acts and omissions of Respondents HORIZONS and FORD  
5 described above are grounds for the suspension or revocation of  
6 the licenses and/or license rights of Respondents HORIZONS and  
7 FORD under the following sections of the Code and Regulations:

8 (1) As to Paragraph IX under Section 10177(d) of the  
9 Code in conjunction with Section 2833 of the Regulations; and

10 (2) As to Paragraph X under Section 10176(e) of the  
11 Code in conjunction with Section 2835 of the Regulations.

12 In the alternative the acts and/or omissions of  
13 Respondent FORD, as described above, constitute failure on the  
14 part of Respondent FORD, as designated broker-officer or  
15 Respondent HORIZONS, to exercise reasonable supervision and  
16 control over the licensed activities of Respondent HORIZONS  
17 required by Section 10159.2 of the Code, and is cause for the  
18 suspension or revocation of Respondent FORD's licenses and/or  
19 license rights under Section 10177(h) of the Code.

20 PRIOR DISCIPLINARY ACTION

21 On April 19, 1990, effective May 21, 1990 in Case No.  
22 H-2456 SAC, the Real Estate Commissioner revoked the real estate  
23 broker licenses and license rights of Respondents HORIZONS and  
24 FORD and granted the right to restricted broker licenses on terms  
25 and conditions for violations of Sections 10176(a), 10176(e),  
26 10176(i) and 10137 of the Code and Section 10177(d) of the Code in

27 ///



1 conjunction with Section 10145 and 10145(d) of the Code and  
2 Sections 2830, 2832, 2832.1, 2725 and 2831 of the Regulations.

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

10  
11   
12 CHARLES W. KOENIG  
13 Deputy Real Estate Commissioner

14 Dated at Sacramento, California,  
15 this 25<sup>th</sup> day of March, 1996.  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

