

FILED

NOV 10 2009

DEPARTMENT OF REAL ESTATE

By *[Signature]*

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)
)
PRIME VEST, BIGANEH LILY)
MASSOUMI-MADJLESSI,)
SCOTT JOHN GATES,)
AFSHIN ZARKOUB, NANCY LEE)
HEVIA, SIRE ENTERPRISES LTD.,)
JACK MCLAUGHLIN, PACIFIC UNION)
REAL ESTATE GROUP LTD.,)
PAMELA A. MCLAUGHLIN, KARYN)
SUE O'MOHUNDRO, STEVEN JOSEPH)
SCARPA, SANDRA K. SCHAEFER,)
PAMELA A. HOFFMAN, KIMBERLEE)
JEANES, SHEILA LEVINE and)
GLENN HARVEY LARSEN,)
)
Respondents.)
_____)

NO. H-9115 SF

OAH NO. 2009050236

DECISION

The Proposed Decision dated October 13, 2009, of the Administrative Law Judge of the Office of Administrative Hearings is hereby adopted as the Decision of the Real Estate Commissioner in the above-entitled matter.

This Decision shall become effective at 12 o'clock noon on NOV 30 2009

IT IS SO ORDERED 11-4-09

JEFF DAVI
Real Estate Commissioner

[Signature]
BY: Barbara J. Bigby
Chief Deputy Commissioner

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

PRIME-VEST, BIGANEH LILY
MASSOUMI-MADJLESSI,
SCOTT JOHN GATES,
AFSHIN ZARKOUB, NANCY LEE
HEVIA, SIRE ENTERPRISES, LTD.,
JACK MCLAUGHLIN, PACIFIC UNION
REAL ESTATE GROUP, LTD.,
PAMELA A. MCLAUGHLIN, KARYN
SUE O'MOHUNDRO, STEVEN JOSEPH
SCARPA, SANDRA K. SCHAEFER,
PAMELA A. HOFFMAN, KIMBERLEE
JEANES, SHEILA LEVINE, and
GLENN HARVEY LARSEN,

Respondents.

Case No. H-9115 SF

OAH No. 2009050236

PROPOSED DECISION BASED ON STIPULATION AND AGREEMENT

Administrative Law Judge Melissa G. Crowell, State of California, Office of Administrative Hearings, heard this matter in Oakland, California, on September 29, 2009.

James L. Beaver, Counsel, represented complainant Charles W. Koenig, a Deputy Real Estate Commissioner.

Kathryn Morrow, Attorney at Law, represented respondents Pacific Union Real Estate Group, Ltd., Karyn Sue O'Mohundro, and Sandra K. Schaefer. They are the only parties remaining in this proceeding.¹

The matter was submitted for decision on September 29, 2009.

¹ The Commissioner has settled with respondents Prime-Vest, Biganeh Lily Massoumi-Madjlessi, Scott John Gates, Afshin Zarkoub, Nancy Lee Hevia, Sire Enterprises, Ltd., Jack McLaughlin, Pamela A. McLaughlin, Steven Joseph Scarpa, and Glenn Harvey Larsen and they are no longer parties to this proceeding. The Commissioner has dismissed the accusation as to respondents Pamela Hoffman, Kimberlee Jeanes, and Sheila Levine.

FACTUAL FINDINGS

1. Complainant Charles W. Koenig made and filed the accusation against respondents Pacific Union Real Estate Group, Ltd., Karyn Sue O'Mohundro, and Sandra. K. Schaefer, and the other named respondents listed in footnote 1 who are no longer parties to this proceeding, in his capacity as a Deputy Real Estate Commissioner. Respondents timely filed notices of defense.
2. Respondent Pacific Union Real Estate Group, Ltd., is licensed and has licensing rights under the Real Estate Law (Bus. & Prof. Code, div. 4, pt. 1) as a corporate real estate broker.
3. Respondent Sandra. K. Schaefer is licensed and has licensing rights under the Real Estate Law as a real estate broker and as a designated officer of Pacific Union Real Estate Group, Ltd.
4. Respondent Karyn Sue O'Mohundro is licensed and has licensing rights under the Real Estate Law as a real estate broker.
5. The accusation alleges the following in relevant part:

III

On or about April 1, 2001, the Limited Term Final Subdivision Public Report Condominium File No. 036394SA-F00 regarding Map of Northview located in San Rafael, expired.

IV

The following lots covered by the public report described in Paragraph III above were sold subsequent to the expiration of the public report:

LOT	CONTRACT EXECUTION	PURCHASERS	AGENTS	EMPLOYING BROKER
...
5	7/12/02	Matt and Sara Chang	Selling: Karyn O'Mohundro	Pacific Union Real Estate
...

V

In all transactions listed in Paragraph IV above, no agent, owner or subdivider gave a copy of a valid public report to any of the

purchasers listed therein in violation of Section 11018.1 of the Business and Professions Code.

6. On September 29, 2009, respondents through their attorney signed a Stipulation and Agreement wherein respondents withdrew their notices of defense, agreed that the factual allegations in the accusation will serve as a prima facie basis for the legal conclusions/determination of issues and order set forth below. It is further agreed that no license revocation, suspension or monetary penalty will be imposed.

7. At hearing, it was stipulated by counsel that a proposed decision based on the Stipulation and Agreement would be prepared and submitted to the Commissioner of Real Estate in this matter.

LEGAL CONCLUSIONS

1. Findings 5 and 6: Cause to discipline the real estate licenses of respondents Pacific Union Real Estate Group, Ltd., Karyn Sue O'Mohundro, and Sandra K. Schaefer exists pursuant to Business and Professions Code section 11018.1, in conjunction with Business and Professions Code section 10177, subdivision (d).

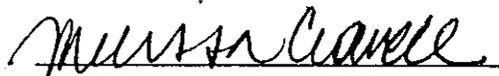
2. Findings 5 and 6: Cause to discipline the real estate licenses of respondents Pacific Union Real Estate Group, Ltd., Karyn Sue O'Mohundro, and Sandra K. Schaefer exists pursuant to Business and Professions Code section 11018.2, in conjunction with Business and Professions Code section 10177, subdivision (d).

3. Finding 6: No license revocation, suspension or monetary penalty will be imposed.

ORDER

All licenses and licensing rights of respondents Pacific Union Real Estate Group, Ltd., Karyn Sue O'Mohundro, and Sandra K. Schaefer are publicly reprovred for the violations set forth in Legal Conclusions 1 and 2, only.

DATED: October 13, 2009


MELISSA G. CROWELL
Administrative Law Judge
Office of Administrative Hearings

FILED

OCT 30 2009

1 DEPARTMENT OF REAL ESTATE
 2 P. O. Box 187000
 Sacramento, CA 95818-7000
 3 Telephone: (916) 227-0789
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DEPARTMENT OF REAL ESTATE
By L. Frost

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

11 In the Matter of the Accusation of) DRE No. H-9115 SF
 12 NANCY LEE HEVIA, GLENN HARVEY)
 LARSEN and AFSHIN ZARCOUB,) OAH No. N-2009050236
 13 Respondents.) STIPULATION AND AGREEMENT
 14

15 It is hereby stipulated by and between Respondents
 16 NANCY LEE HEVIA, GLENN HARVEY LARSEN, and AFSHIN ZARCOUB, (herein
 17 "Respondents") by and through David J. Lonich, Esq. Respondents'
 18 attorney of record herein, and the Complainant, acting by and
 19 through James L. Beaver, Counsel for the Department of Real
 20 Estate (herein "the Department"), as follows for the purpose of
 21 settling and disposing of the Accusation filed on February 18,
 22 2005, in this matter (herein "the Accusation"):

23 1. All issues which were to be contested and all
 24 evidence which was to be presented by Complainant and Respondents
 25 at a formal hearing on the Accusation, which hearing was to be
 26

27 H-9115 SF NANCY LEE HEVIA, GLENN HARVEY
 LARSEN and AFSHIN ZARCOUB

1 held in accordance with the provisions of the Administrative
 2 Procedure Act (APA), shall instead and in place thereof be
 3 submitted solely on the basis of the provisions of this
 4 Stipulation and Agreement.

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

8 3. On March 7 and March 11, 2005, Respondents filed
 9 Notices of Defense pursuant to Section 11505 of the Government
 10 Code for the purpose of requesting a hearing on the allegations
 11 in the Accusation. Respondents hereby freely and voluntarily
 12 withdraw said Notices of Defense. Respondents acknowledges that
 13 Respondents understand that by withdrawing said Notice of Defense
 14 Respondents will thereby waive Respondents' right to require the
 15 Real Estate Commissioner (herein "the Commissioner") to prove the
 16 allegations in the Accusation at a contested hearing held in
 17 accordance with the provisions of the APA and that Respondents
 18 will waive other rights afforded to Respondents in connection
 19 with the hearing such as the right to present evidence in defense
 20 of the allegations in the Accusation and the right to cross-
 21 examine witnesses.

22 4. This stipulation is based on the factual
 23 allegations contained in the Accusation. In the interest of
 24 expediency and economy, Respondent chooses not to contest these
 25 factual allegations, but to remain silent and understands that,
 26 as a result thereof, these factual statements will serve as a

27 H-9115 SF

NANCY LEE BEVIA, GLENN HARVEY
LARSEN and AFSHIN ZARKOUB

Page: 47 Date: 9/17/2009 8:33:04 AM

1 prima facie basis for the "Determination of Issues" and "Order"
2 set forth below. The Real Estate Commissioner shall not be
3 required to provide further evidence to prove such allegations.

4 5. This Stipulation and Respondents' decision not to
5 contest the Accusation are made for the purpose of reaching an
6 agreed disposition of this proceeding and are expressly limited
7 to this proceeding and any other proceeding or case in which the
8 Department of Real Estate (herein "the Department"), the state or
9 federal government, an agency of this state, or an agency of
10 another state is involved.

11 6. It is understood by the parties that the
12 Commissioner may adopt the Stipulation and Agreement as his
13 decision in this matter, thereby imposing the penalty and
14 sanctions on Respondents' real estate license and license rights
15 as set forth in the "Order" below. In the event that the
16 Commissioner in his discretion does not adopt the Stipulation and
17 Agreement, it shall be void and of no effect, and Respondents
18 shall retain the right to a hearing and proceeding on the
19 Accusation under all the provisions of the APA and shall not be
20 bound by any admission or waiver made herein.

21 7. This Stipulation and Agreement shall not
22 constitute an estoppel, merger or bar to any further
23 administrative or civil proceedings by the Department with
24 respect to any matters which were not specifically alleged to be
25 causes for accusation in this proceeding. This Stipulation and
26 Agreement shall constitute an estoppel, merger and bar to any

27 H-9115 SF

NANCY LEE HEVIA, GLENN HARVEY
LARSEN and APSHIN ZARCOB

1 further administrative or civil proceedings by the Department
2 with respect to any events which were specifically alleged to be
3 causes for accusation in this proceeding.

4 DETERMINATION OF ISSUES

5 By reason of the foregoing stipulations, admissions and
6 waivers and solely for the purpose of settlement of the pending
7 Accusation without hearing, it is stipulated and agreed that the
8 following Determination of Issues shall be made:

9 I

10 The acts and omissions of Respondents NANCY LEE HEVIA, GLENN
11 HARVEY LARSEN and AFSHIN ZARKOUB as described in the Accusation
12 are grounds for the suspension or revocation of the licenses and
13 license rights of such Respondents under the provisions of
14 Sections 11018.1 and 11018.2 the California Business and
15 Professions Code (herein "the Code") in conjunction with Section
16 10177(d) of the Code..

17 I

18 All licenses and licensing rights of Respondent NANCY
19 LEE HEVIA under the Real Estate Law are publicly revoked.

20 II

21 All licenses and licensing rights of Respondent GLENN
22 HARVEY LARSEN under the Real Estate Law are publicly revoked.

23 III

24 All licenses and licensing rights of Respondent AFSHIN
25 ZARKOUB under the Real Estate Law are publicly revoked.

26 9-21-09

27 H-9115 SF

NANCY LEE HEVIA, GLENN HARVEY
LARSEN and AFSHIN ZARKOUB

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DATED

JAMES L. BEAVER, Counsel
Department of Real Estate

* * *

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

DATED

9/17/09
DATED

NANCY LEE HEVIA
Respondent

GLENN HARVEY LARSEN
Respondent

DATED

AFSHIN ZARCOUB
Respondent

* * *

I have reviewed the stipulation and Agreement as to form and content and have advised my clients accordingly.

9/18/09
DATED

DAVID J. LONICH
Attorney for Respondents

H-9115 SF

NANCY LEE HEVIA, GLENN HARVEY
LARSEN and AFSHIN ZARCOUB

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DATED JAMES L. BEAVER, Counsel
Department of Real Estate

* * *

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

DATED NANCY LEE HEVIA
Respondent

DATED GLENN HARVEY LARSEN
Respondent

Sep. 17 2009
DATED AFSHIN ZARKOUB
Respondent

* * *

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

9/18/09
DATED DAVID J. LONICH
Attorney for Respondents

H-9115 SF NANCY LEE HEVIA, GLENN HARVEY LARSEN and AFSHIN ZARKOUB

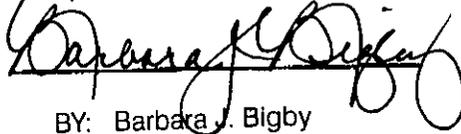
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The foregoing Stipulation and Agreement is hereby
adopted by me as my Decision in this matter as to Respondents
NANCY LEE HEVIA, GLENN HARVEY LARSEN and AFSHIN ZARKOUB and shall
become effective at 12 o'clock noon on NOV 19 2009

IT IS SO ORDERED 10/29, 2009.

JEFF DAVI
Real Estate Commissioner



BY: Barbara J. Bigby
Chief Deputy Commissioner

H-9115 SF

NANCY LEE HEVIA, GLENN HARVEY
LARSEN and AFSHIN ZARKOUB

FLAG

DEPARTMENT OF REAL ESTATE
P. O. Box 187000
Sacramento, CA 95818-7000
Telephone: (916) 227-0789

FILED
OCT 30 2009
DEPARTMENT OF REAL ESTATE
By *[Signature]*

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	DRE No. H-9115 SF
JACK McLAUGHLIN and PAMELA A.)	OAH No. N-2009050236
McLAUGHLIN)	
Respondents.)	<u>STIPULATION AND AGREEMENT</u>

It is hereby stipulated by and between Respondents JACK McLAUGHLIN and PAMELA A. McLAUGHLIN and the Complainant, acting by and through James L. Beaver, Counsel for the Department of Real Estate (herein "the Department"), as follows for the purpose of settling and disposing of the Accusation filed on February 18, 2005, in this matter (herein "the Accusation"):

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

Dre No. H-9115 SF JACK McLAUGHLIN and PAMELA A. McLAUGHLIN

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

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

6 3. On March 9, 2005, Notices of Defense pursuant to
7 Section 11505 of the Government Code for the purpose of
8 requesting a hearing on the allegations in the Accusation.
9 Respondents hereby freely and voluntarily withdraw said Notices
10 of Defense. Respondents acknowledges that Respondents understand
11 that by withdrawing said Notice of Defense Respondents will
12 thereby waive Respondents' right to require the Real Estate
13 Commissioner (herein "the Commissioner") to prove the allegations
14 in the Accusation at a contested hearing held in accordance with
15 the provisions of the APA and that Respondents will waive other
16 rights afforded to Respondents in connection with the hearing
17 such as the right to present evidence in defense of the
18 allegations in the Accusation and the right to cross-examine
19 witnesses.

20 4. This stipulation is based on the factual
21 allegations contained in the Accusation. In the interest of
22 expediency and economy, Respondents choose not to contest these
23 factual allegations, but to remain silent and understands that,
24 as a result thereof, these factual statements will serve as a
25 prima facie basis for the "Determination of Issues" and "Order"
26 set forth below. The Real Estate Commissioner shall not be

27 Dre No. H-9115 SF

JACK McLAUGHLIN and
PAMELA A. McLAUGHLIN

1 required to provide further evidence to prove such allegations.

2 5. This Stipulation and Respondents' decision not to
3 contest the Accusation are made for the purpose of reaching an
4 agreed disposition of this proceeding and are expressly limited
5 to this proceeding and any other proceeding or case in which the
6 Department of Real Estate (herein "the Department"); the state or
7 federal government, an agency of this state, or an agency of
8 another state is involved.

9 6. It is understood by the parties that the
10 Commissioner may adopt the Stipulation and Agreement as his
11 decision in this matter, thereby imposing the penalty and
12 sanctions on Respondents' real estate license and license rights
13 as set forth in the "Order" below. In the event that the
14 Commissioner in his discretion does not adopt the Stipulation and
15 Agreement, it shall be void and of no effect, and Respondents
16 shall retain the right to a hearing and proceeding on the
17 Accusation under all the provisions of the APA and shall not be
18 bound by any admission or waiver made herein.

19 7. This Stipulation and Agreement shall not
20 constitute an estoppel, merger or bar to any further
21 administrative or civil proceedings by the Department with
22 respect to any matters which were not specifically alleged to be
23 causes for accusation in this proceeding. This Stipulation and
24 Agreement shall constitute an estoppel, merger and bar to any
25 further administrative or civil proceedings by the Department
26 with respect to any events which were specifically alleged to be

27 Dre No. H-9115 SF

JACK McLAUGHLIN and
PAMELA A. McLAUGHLIN

causes for accusation in this proceeding.

DETERMINATION OF ISSUES

By reason of the foregoing stipulations, admissions and waivers and solely for the purpose of settlement of the pending Accusation without hearing, it is stipulated and agreed that the following Determination of Issues shall be made:

I

The acts and omissions of Respondents JACK McLAUGHLIN and PAMELA A. McLAUGHLIN as described in the Accusation are grounds for the suspension or revocation of the licenses and license rights of such Respondents under the provisions of Sections 11018.1 and 11018.2 the California Business and Professions Code (herein "the Code") in conjunction with Section 10177(d) of the Code..

I

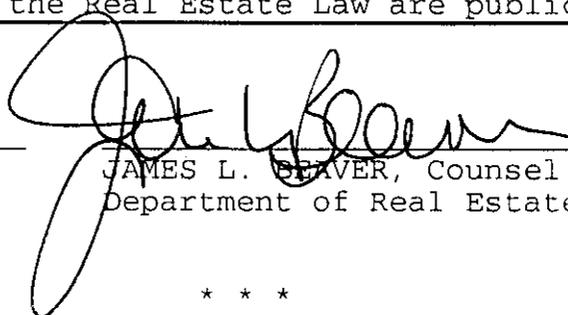
All licenses and licensing rights of Respondent JACK McLAUGHLIN under the Real Estate Law are publicly reprovod.

II

All licenses and licensing rights of Respondent PAMELA A. McLAUGHLIN under the Real Estate Law are publicly reprovod.

9-22-09

DATED



JAMES L. BEAVER, Counsel
Department of Real Estate

* * *

I have read the Stipulation and Agreement and its terms

Dre No. H-9115 SF

JACK McLAUGHLIN and
PAMELA A. McLAUGHLIN

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

10 9-22-2009

11 DATE

JACK McLAUGHLIN
Respondent

12 Sent 22, 2009

13 DATE

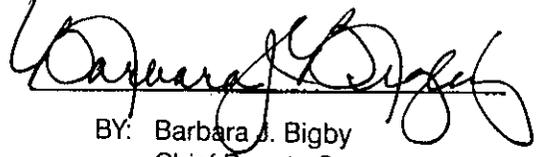
PAMELA A. McLAUGHLIN
Respondent

14 * * *

15
16 The foregoing Stipulation and Agreement is hereby
17 adopted by me as my Decision in this matter as to Respondents
18 JACK McLAUGHLIN and PAMELA A. McLAUGHLIN and shall become
19 effective at 12 o'clock noon on NOV 19 2009

20 IT IS SO ORDERED 10/29, 2009.

21 JEFF DAVI
22 Real Estate Commissioner

23 

24 BY: Barbara J. Bigby
25 Chief Deputy Commissioner

26
27 Dre No. H-9115 SF

JACK McLAUGHLIN and
PAMELA A. McLAUGHLIN

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DEPARTMENT OF REAL ESTATE
P. O. Box 187000
Sacramento, CA 95818-7000
Telephone: (916) 227-0789

FILED
OCT 30 2009

DEPARTMENT OF REAL ESTATE
By *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	DRE No. H-9115 SF
SIRE ENTERPRISES, LTD.)	OAH No. N-2009050236
STEVEN JOSEPH SCARPA, and)	
SCOTT JOHN GATES,)	<u>STIPULATION AND AGREEMENT</u>
Respondent.)	

It is hereby stipulated by and between Respondents SIRE ENTERPRISES, LTD (herein "SIRE"), STEVEN JOSEPH SCARPA (herein SCARPA) and SCOTT JOHN GATES (herein "GATES") (herein "Respondents"), acting by and through BRIAN L. DEWITT, Esq. Respondents' attorney of record herein, and the Complainant, acting by and through James L. Beaver, Counsel for the Department of Real Estate (herein "the Department"), as follows for the purpose of settling and disposing of the Accusation filed on February 18, 2005, in this matter (herein "the Accusation"):

1. All issues which were to be contested and all

DRE No. H-9115 SF

SIRE ENTERPRISES, INC.
STEVEN JOSEPH SCARPA and
SCOTT JOHN GATES

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

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

10 3. On March 11, 2005, Respondents filed Notices of
11 Defense pursuant to Section 11505 of the Government Code for the
12 purpose of requesting a hearing on the allegations in the
13 Accusation. Respondents each hereby freely and voluntarily
14 withdraw said Notice of Defense. Respondents acknowledge that
15 Respondents understand that by withdrawing said Notice of Defense
16 Respondents will thereby waive Respondents' right to require the
17 Real Estate Commissioner (herein "the Commissioner") to prove the
18 allegations in the Accusation at a contested hearing held in
19 accordance with the provisions of the APA and that Respondents
20 will waive other rights afforded to Respondents in connection
21 with the hearing such as the right to present evidence in defense
22 of the allegations in the Accusation and the right to cross-
23 examine witnesses.

24 4. This stipulation is based on the factual
25 allegations contained in the Accusation. In the interest of
26

27 DRE No. H-9115 SF

SIRE ENTERPRISES, INC.
STEVEN JOSEPH SCARPA and
SCOTT JOHN GATES

1 expediency and economy, Respondents choose not to contest these
2 factual allegations, but to remain silent and understand that, as
3 a result thereof, these factual statements will serve as a prima
4 facie basis for the "Determination of Issues" and "Order" set
5 forth below. The Real Estate Commissioner shall not be required
6 to provide further evidence to prove such allegations.

7 5. This Stipulation and Respondents' decision not to
8 contest the Accusation are made for the purpose of reaching an
9 agreed disposition of this proceeding and are expressly limited
10 to this proceeding and any other proceeding or case in which the
11 Department of Real Estate (herein "the Department"), the state or
12 federal government, an agency of this state, or an agency of
13 another state is involved.

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

24 7. This Stipulation and Agreement shall not
25 constitute an estoppel, merger or bar to any further
26

27 DRE No. H-9115 SF

SIRE ENTERPRISES, INC.
STEVEN JOSEPH SCARPA and
SCOTT JOHN GATES

1 administrative or civil proceedings by the Department with
2 respect to any matters which were not specifically alleged to be
3 causes for accusation in this proceeding. This Stipulation and
4 Agreement shall constitute an estoppel, merger and bar to any
5 further administrative or civil proceedings by the Department
6 with respect to any events which were specifically alleged to be
7 causes for accusation in this proceeding.

8 DETERMINATION OF ISSUES

9 By reason of the foregoing stipulations, admissions and
10 waivers and solely for the purpose of settlement of the pending
11 Accusation without hearing, it is stipulated and agreed that the
12 following Determination of Issues shall be made:

13 I

14 The acts and omissions of Respondents SIRE, SCARPA and
15 GATES as described in the Accusation are grounds for the
16 suspension or revocation of the licenses and license rights of
17 Respondents SIRE, SCARPA and GATES under the provisions of
18 Sections 11018.1 and 11018.2 the California Business and
19 Professions Code (herein "the Code") in conjunction with Section
20 10177(d) of the Code..

21 I

22 A. All licenses and licensing rights of Respondent
23 SIRE ENTERPRISES, LTD. are publicly reprovred,

24 II

25 B. All licenses and licensing rights of Respondent
26

27 DRE No. H-9115 SF

SIRE ENTERPRISES, INC.
STEVEN JOSEPH SCARPA and
SCOTT JOHN GATES

1 SCARPA under the Real Estate Law are publicly reproved.

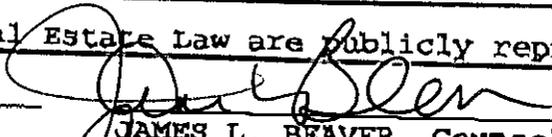
2 III

3 B. All licenses and licensing rights of Respondent

4 GATES under the Real Estate Law are publicly reproved.

5 9-24-09

DATED


JAMES L. BEAVER, Counsel
Department of Real Estate

7 * * *

8 I have read the Stipulation and Agreement and its terms
9 are understood by me and are agreeable and acceptable to me. I
10 understand that I am waiving rights given to me by the California
11 Administrative Procedure Act (including but not limited to
12 Sections 11506, 11508, 11509, and 11513 of the Government Code),
13 and I willingly, intelligently, and voluntarily waive those
14 rights, including the right of requiring the Commissioner to
15 prove the allegations in the Accusation at a hearing at which I
16 would have the right to cross-examine witnesses against me and to
17 present evidence in defense and mitigation of the charges.

18 9-24-09

DATED

SIRE ENTERPRISES, LTD.
Respondent

20 By
21 STEVEN JOSEPH SCARPA
Designated Officer - Broker

22 9-24-09

DATED

23 STEVEN JOSEPH SCARPA
Respondent

24 9-24-09

DATED

25 SCOTT JOHN GATES
Respondent

26 * * *

27 DRE No. H-9115 SP

SIRE ENTERPRISES, INC.
STEVEN JOSEPH SCARPA and
SCOTT JOHN GATES

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

3 9-23-09

4 DATED

Brian L. Dewitt
5 BRIAN L. DEWITT
6 Attorney for Respondents

7 * * *

8 The foregoing Stipulation and Agreement is hereby
9 adopted by me as my Decision in this matter as to Respondents
10 SIRE ENTERPRISES, INC., STEVEN JOSEPH SCARPA and SCOTT JOHN GATES
11 and shall become effective at 12 o'clock noon on NOV 19 2009

12 IT IS SO ORDERED 10/29, 2009.

13 JEFF DAVI
14 Real Estate Commissioner

15 Barbara J. Bigby

16 BY: Barbara J. Bigby
17 Chief Deputy Commissioner

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27 DRE No. H-9115 SP

SIRE ENTERPRISES, INC.
STEVEN JOSEPH SCARPA and
SCOTT JOHN GATES

DEPARTMENT OF REAL ESTATE
P. O. Box 187000
Sacramento, CA 95818-7000
Telephone: (916) 227-0789

FILED
OCT 30 2009

DEPARTMENT OF REAL ESTATE
By *L. Lust*

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	DRE No. H-9115 SF
BIGANEH LILY MASSOUMI-MADJLESSI,)	CAH No. N-2009050236
Respondents.)	<u>STIPULATION AND AGREEMENT</u>

It is hereby stipulated by and between Respondents BIGANEH LILY MASSOUMI-MADJLESSI individually and by and through David Lonich, Esq., , Respondent's attorney of record herein, and the Complainant, acting by and through James L. Beaver, Counsel for the Department of Real Estate (herein "the Department"), as follows for the purpose of settling and disposing of the Accusation filed on February 18, 2005, in this matter (herein "the Accusation"):

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondents at a formal hearing on the Accusation, which hearing was to be held in accordance with the provisions of the Administrative

DRE NO. H-9115 SF
BIGANEH LILY MASSOUMI-MADJLESSI

Page: 3/6 Date: 9/21/2009 10:38:53 AM

1 Procedure Act (APA), shall instead and in place thereof be
2 submitted solely on the basis of the provisions of this
3 Stipulation and Agreement.

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

7 3. On March 11, 2005, Respondent 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. Respondent hereby freely and voluntarily withdraws
11 said Notice of Defense. Respondent acknowledges that Respondent
12 understands that by withdrawing said Notice of Defense
13 Respondents will thereby waive Respondents' right to require the
14 Real Estate Commissioner (herein "the Commissioner") to prove the
15 allegations in the Accusation at a contested hearing held in
16 accordance with the provisions of the APA and that Respondent
17 will waive other rights afforded to Respondent in connection with
18 the hearing such as the right to present evidence in defense of
19 the allegations in the Accusation and the right to cross-examine
20 witnesses.

21 4. This stipulation is based on the factual
22 allegations contained in the Accusation. In the interest of
23 expediency and economy, Respondent chooses not to contest these
24 factual allegations, but to remain silent and understands that,
25 as a result thereof, these factual statements will serve as a
26 prima facie basis for the "Determination of Issues" and "Order"

27 DRE NO. M-9115 SF

BIGANEH LILY MASSOUMI-
MADJLESSI

1 set forth below. The Real Estate Commissioner shall not be
2 required to provide further evidence to prove such allegations.

3 5. This Stipulation and Respondents' decision not to
4 contest the Accusation are made for the purpose of reaching an
5 agreed disposition of this proceeding and are expressly limited
6 to this proceeding and any other proceeding or case in which the
7 Department of Real Estate (herein "the Department"), the state or
8 federal government, an agency of this state, or an agency of
9 another state is involved.

10 6. It is understood by the parties that the
11 Commissioner may adopt the Stipulation and Agreement as his
12 decision in this matter, thereby imposing the penalty and
13 sanctions on Respondent's real estate license and license rights
14 as set forth in the "Order" below. In the event that the
15 Commissioner in his discretion does not adopt the Stipulation and
16 Agreement, it shall be void and of no effect, and Respondent
17 shall retain the right to a hearing and proceeding on the
18 Accusation under all the provisions of the APA and shall not be
19 bound by any admission or waiver made herein.

20 7. This Stipulation and Agreement shall not
21 constitute an estoppel, merger or bar to any further
22 administrative or civil proceedings by the Department with
23 respect to any matters which were not specifically alleged to be
24 causes for accusation in this proceeding. This Stipulation and
25 Agreement shall constitute an estoppel, merger and bar to any
26 further administrative or civil proceedings by the Department

27 DRE NO. H-9115 SF

BIGANEH LILY MASSOUMI-
MADJLESSI

1 with respect to any events which were specifically alleged to be
2 causes for accusation in this proceeding.

3 DETERMINATION OF ISSUES

4 By reason of the foregoing stipulations, admissions and
5 waivers and solely for the purpose of settlement of the pending
6 Accusation without hearing, it is stipulated and agreed that the
7 following Determination of Issues shall be made:

8 I

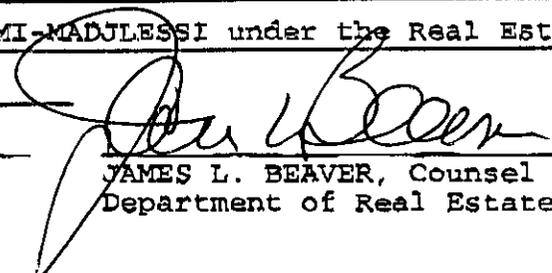
9 The acts and omissions of Respondent BIGANEH LILY MASSOUMI-
10 MADJLESSI as described in the Accusation are grounds for the
11 suspension or revocation of the licenses and license rights of
12 Respondent BIGANEH LILY MASSOUMI-MADJLESSI under the provisions
13 of Sections 11018.1 and 11018.2 the California Business and
14 Professions Code (herein "the Code") in conjunction with Section
15 10177(d) of the Code..

16 I

17 A. All licenses and licensing rights of Respondent
18 BIGANEH LILY MASSOUMI-MADJLESSI under the Real Estate Law are
19 publicly reprovod.

20 9-21-09

21 DATED



JAMES L. BEAVER, Counsel
Department of Real Estate

22 * * *

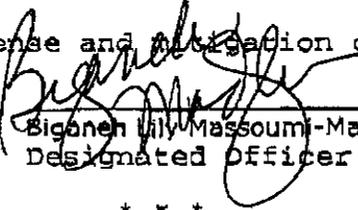
23 I have read the Stipulation and Agreement and its terms
24 are understood by me and are agreeable and acceptable to me. I
25 understand that I am waiving rights given to me by the California
26

27 DRE NO. H-9115 SF

BIGANEH LILY MASSOUMI-
MADJLESSI

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

8 _____
Date

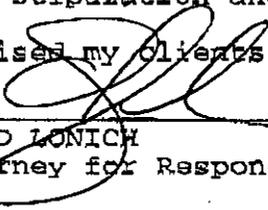

 Biganeh Lily Massoumi-Madjlessi,
 Designated Officer - Broker

10 * * *

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

13 21 September 2009

14 DATED

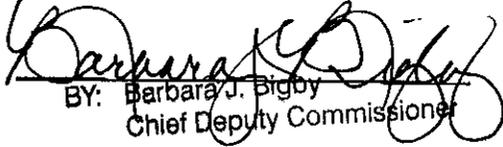

 DAVID LONICH
 Attorney for Respondents

15 * * *

16 The foregoing Stipulation and Agreement is hereby
 17 adopted by me as my Decision in this matter as to Respondent
 18 BIGANEH LILY MASSOUMI-MADJLESSI and shall become effective at 12
 19 o'clock noon on NOV 19 2009

20 IT IS SO ORDERED 10/29, 2009.

21 JEFF DAVI
 Real Estate Commissioner


 BY: Barbara J. Bigby
 Chief Deputy Commissioner

26 DRE NO. H-9115 SF

BIGANEH LILY MASSOUMI-MADJLESSI

PLAG

FILED

OCT 30 2009

DEPARTMENT OF REAL ESTATE
P. O. Box 187000
Sacramento, CA 95818-7000
Telephone: (916) 227-0789

DEPARTMENT OF REAL ESTATE
By L. Frost

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	DRE No. H-9115 SF
PRIME-VEST,)	OAH No. N-2009050236
Respondent.)	<u>STIPULATION AND AGREEMENT</u>

It is hereby stipulated by and between Respondent PRIME-VEST (herein "PRIME-VEST" or Respondent) by and through DAVID LONICH, general counsel to Prime-Vest Louis A. Gonzalez, Esq., Weintraub, Genshler Chediak, Respondent's attorney of record herein, and the Complainant, acting by and through James L. Beaver, Counsel for the Department of Real Estate (herein "the Department"), as follows for the purpose of settling and disposing of the Accusation filed on February 18, 2005, in this matter (herein "the Accusation"):

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondents at a formal hearing on the Accusation, which hearing was to be held in accordance with the provisions of the Administrative

H-9115 SF

PRIME-VEST

DL

1 Procedure Act (APA), shall instead and in place thereof be
 2 submitted solely on the basis of the provisions of this
 3 Stipulation and Agreement.

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

7 3. On March 11, 2005, Respondent 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. Respondent hereby freely and voluntarily withdraws
 11 said Notice of Defense. Respondent acknowledges that Respondent
 12 understands that by withdrawing said Notice of Defense
 13 Respondents will thereby waive Respondents' right to require the
 14 Real Estate Commissioner (herein "the Commissioner") to prove the
 15 allegations in the Accusation at a contested hearing held in
 16 accordance with the provisions of the APA and that Respondent
 17 will waive other rights afforded to Respondent in connection with
 18 the hearing such as the right to present evidence in defense of
 19 the allegations in the Accusation and the right to cross-examine
 20 witnesses.

21 4. This stipulation is based on the factual
 22 allegations contained in the Accusation. In the interest of
 23 expediency and economy, Respondent chooses not to contest these
 24 factual allegations, but to remain silent and understands that,
 25 as a result thereof, these factual statements will serve as a
 26 prima facie basis for the "Determination of Issues" and "Order"

27 H-9115 SF

PRIME-VEST

1 set forth below. The Real Estate Commissioner shall not be
2 required to provide further evidence to prove such allegations.

3 5. This Stipulation and Respondents' decision not to
4 contest the Accusation are made for the purpose of reaching an
5 agreed disposition of this proceeding and are expressly limited
6 to this proceeding and any other proceeding or case in which the
7 Department of Real Estate (herein "the Department"), the state or
8 federal government, an agency of this state, or an agency of
9 another state is involved.

10 6. It is understood by the parties that the
11 Commissioner may adopt the Stipulation and Agreement as his
12 decision in this matter, thereby imposing the penalty and
13 sanctions on Respondent's real estate license and license rights
14 as set forth in the "Order" below. In the event that the
15 Commissioner in his discretion does not adopt the Stipulation and
16 Agreement, it shall be void and of no effect, and Respondent
17 shall retain the right to a hearing and proceeding on the
18 Accusation under all the provisions of the APA and shall not be
19 bound by any admission or waiver made herein.

20 7. This Stipulation and Agreement shall not
21 constitute an estoppel, merger or bar to any further
22 administrative or civil proceedings by the Department with
23 respect to any matters which were not specifically alleged to be
24 causes for accusation in this proceeding. This Stipulation and
25 Agreement shall constitute an estoppel, merger and bar to any
26 further administrative or civil proceedings by the Department

27

H-9115 SF

PRIME-VEST

with respect to any events which were specifically alleged to be causes for accusation in this proceeding.

DETERMINATION OF ISSUES

By reason of the foregoing stipulations, admissions and waivers and solely for the purpose of settlement of the pending Accusation without hearing, it is stipulated and agreed that the following Determination of Issues shall be made:

I

The acts and omissions of Respondents PRIME-VEST as described in the Accusation are grounds for the suspension or revocation of the licenses and license rights of Respondent PRIME-VEST under the provisions of sections 11018.1 and 11018.2 the California Business and Professions Code (herein "the Code") in conjunction with Section 10177(d) of the Code..

I

A. All licenses and licensing rights of Respondent PRIME VEST under the Real Estate Law are suspended for a period of twenty (20) days from the effective date of the Decision herein; provided, however:

1. If Respondent PRIME VEST petitions, twenty (20) days of said twenty (20) day suspension (or a portion thereof) shall be stayed upon condition that:

(a) Respondent PRIME VEST pays a monetary penalty pursuant to Section 10175.2 of the Code at the rate of \$50.00 for each day of the suspension for a total monetary penalty of \$1,000.00.

H-9115 SF

PRIME-VEST

1 (b) Said payment shall be in the form of a cashier's
 2 check or certified check made payable to the Recovery Account of
 3 the Real Estate Fund. Said check must be received by the
 4 Department prior to the effective date of the Decision in this
 5 matter.

6 (c) If Respondent PRIME VEST fails to pay the monetary
 7 penalty in accordance with the terms and conditions of the
 8 Decision, the Commissioner may, without a hearing, vacate and set
 9 aside the stay order, and order the immediate execution of all or
 10 any part of the stayed suspension.

11 (d) No final subsequent determination be made, after
 12 hearing or upon stipulation, that cause for disciplinary action
 13 against Respondent PRIME VEST occurred within two (2) years of
 14 the effective date of the Decision herein. Should such a
 15 determination be made, the Commissioner may, in his or her
 16 discretion, vacate and set aside the stay order, and order the
 17 execution of all or any part of the stayed suspension, in which
 18 event the Respondent PRIME VEST shall not be entitled to any
 19 repayment nor credit, prorated or otherwise, for money paid to
 20 the Department under the terms of this Decision.

21 (e) If Respondent PRIME VEST pays the monetary penalty
 22 and if no further cause for disciplinary action against the real
 23 estate license of Respondent occurs within two (2) years from the
 24 effective date of the Decision herein, then the stay hereby
 25 granted shall become permanent.

26 n the stay hereby granted shall become permanent.

27 H-9115 SF

PRIME-VEST

9-17-09

James L. Beaver

JAMES L. BEAVER, Counsel
Department of Real Estate

DATED

* * *

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

16 September 2009

DATED

PRIME VEST
Respondent
By *[Signature]*
Biganeh Lily Massoumi-Madlessi,
Designated Officer - Broker

* * *

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

16 September 2009

DATED

[Signature]

~~LOUIS A. GONZALEZ~~ DAVID LONICH
Attorney for Respondents

* * *

The foregoing Stipulation and Agreement is hereby adopted by me as my Decision in this matter as to Respondent PRIME-VEST and shall become effective at 12 o'clock noon on _____

H-9115 SF

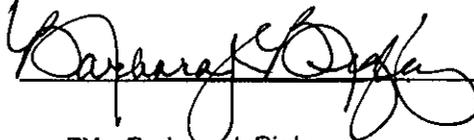
PRIME-VEST

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NOV 19 2009

IT IS SO ORDERED 10/29, 2009.

JEFF DAVI
Real Estate Commissioner



BY: Barbara J. Bigby
Chief Deputy Commissioner

H-9115 SF

PRIME-VEST

FILED

OCT 06 2009

DEPARTMENT OF REAL ESTATE

By L. Frost

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of)
PRIME VEST, BIGANEH LILY)
MASSOUMI-MADJLESSI, SCOTT JOHN)
GATES, AFSHIN ZARKOUB, NANCY LEE)
HEVIA, SIRE ENTERPRISES LTD, JACK)
MCLAUGHLIN, PACIFIC UNION REAL)
ESTATE GROUP LTD, PAMELA A.)
MCLAUGHLIN, KARYN SUE)
O'MOHUNDRO, STEVEN JOSEPH)
SCARPA, SANDRA K. SCHAEFER,)
PAMELA A. HOFFMAN, KIMBERLEE)
JEANES, SHEILA LEVINE and)
GLENN HARVEY LARSEN,)
Respondents.)

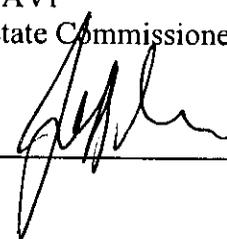
DRE No. H-9115 SF

DISMISSAL

The Accusation herein filed on February 18, 2005, against Respondents PAMELA A. HOFFMAN, KIMBERLEE JEANES, and SHEILA LEVINE only, is DISMISSED. It is not dismissed as to the remaining Respondents.

IT IS SO ORDERED 9-29-09.

JEFF DAVI
Real Estate Commissioner



1 DAVID B. SEALS, Counsel (SBN 69378)
2 Department of Real Estate
3 P. O. Box 187007
4 Sacramento, CA 95818-7007

5 Telephone: (916) 227-0789
6 -or- (916) 227-0792 (Direct)

FILED
FEB 18 2005

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 PRIME-VEST, BIGANEH LILY)
13 MASSOUMI-MADJLESSI, SCOTT JOHN)
14 GATES, AFSHIN ZARCOUB, NANCY LEE)
15 HEVIA, SIRE ENTERPRISES LTD.,)
16 JACK MCLAUGHLIN, PACIFIC UNION)
17 REAL ESTATE GROUP LTD, PAMELA A.)
18 MCLAUGHLIN, KARYN SUE O'MOHUNDRO,)
19 STEVEN JOSEPH SCARPA, SANDRA K.)
20 SCHAEFER, PAMELA A. HOFFMAN,)
21 KIMBERLEE JEANES, SHEILA LEVINE)
22 and GLENN HARVEY LARSEN,)
23 Respondents.)

No. H-9115 SF
ACCUSATION

20 The Complainant, Charles W. Koenig, a Deputy Real
21 Estate Commissioner of the State of California for cause of
22 Accusation against PRIME-VEST, BIGANEH LILY MASSOUMI-MADJLESSI,
23 SCOTT JOHN GATES, AFSHIN ZARCOUB, NANCY LEE HEVIA, SIRE
24 ENTERPRISES LTD., JACK MCLAUGHLIN, PACIFIC UNION REAL ESTATE
25 GROUP LTD, PAMELA A. MCLAUGHLIN, KARYN SUE O'MOHUNDRO, STEVEN
26 JOSEPH SCARPA, SANDRA K. SCHAEFER, PAMELA A. HOFFMAN, KIMBERLEE

27 ///

1 JEANES, SHEILA LEVINE and GLENN HARVEY LARSEN, (hereinafter
2 "Respondents"), is informed and alleges as follows:

3 I

4 The Complainant, Charles W. Koenig, a Deputy Real
5 Estate Commissioner of the State of California, makes this
6 Accusation in his official capacity.

7 II

8 Respondents are licensed and/or have license rights
9 under the Real Estate Law, Part 1 of Division 4 of the California
10 Business and Professions Code (hereinafter "Code") as follows:

11 PRIME-VEST (hereinafter Respondent "PRIME"), as a
12 corporate real estate broker with BIGANEH LILY MASSOUMI-MADJLESSI
13 (hereinafter Respondent "MASSOUMI-MADJLESSI") as the designated
14 officer.

15 Respondent MASSOUMI-MADJLESSI as the designated officer
16 of Respondent PRIME.

17 SCOTT JOHN GATES (hereinafter Respondent "GATES") as a
18 real estate salesperson in the employ of STEVEN JOSEPH SCARPA
19 (hereinafter Respondent "SCARPA").

20 AFSHIN ZARKOUB (hereinafter Respondent "ZARKOUB") as a
21 real estate broker dba Designer Homes Realty and Interbank
22 Finance Mortgage Company.

23 NANCY LEE HEVIA (hereinafter Respondent "HEVIA") as a
24 real estate salesperson in the employ of Respondent PRIME-VEST.

25 SIRE ENTERPRISES LTD. (hereinafter Respondent "SIRE"),
26 as a corporate real estate broker with Respondent SCARPA as the
27 designated officer.

1 Respondent SCARPA as a real estate broker and the
2 designated officer of Respondent SIRE.

3 JACK MCLAUGHLIN (hereinafter Respondent "MCLAUGHLIN")
4 as a real estate broker dba MCLAUGHLIN Management Services and
5 West Bay Properties.

6 PACIFIC UNION REAL ESTATE GROUP LTD. (hereinafter
7 Respondent "PACIFIC"), as a corporate real estate broker with
8 Respondents SANDRA K. SCHAEFER, PAMELA A. HOFFMAN, KIMBERLEE
9 JEANES, and SHEILA LEVINE as the designated officers.

10 SANDRA K. SCHAEFER (hereinafter Respondent
11 "SCHAEFER"), as a real estate broker and the designated officer of
12 Respondent PACIFIC.

13 PAMELA A. HOFFMAN (hereinafter Respondent "HOFFMAN"), as
14 a real estate broker and the designated officer of Respondent
15 PACIFIC.

16 KIMBERLEE JEANES (hereinafter Respondent "JEANES"), as a
17 real estate broker and the designated officer of Respondent
18 PACIFIC.

19 SHEILA LEVINE (hereinafter Respondent "LEVINE"), as a
20 real estate broker and the designated officer of Respondent
21 PACIFIC.

22 PAMELA A. MCLAUGHLIN (hereinafter Respondent "P.
23 MCLAUGHLIN") as a real estate broker.

24 KARYN SUE O'MOHUNDRO (hereinafter Respondent
25 "O'MOHUNDRO") as a real estate broker.

26 GLENN HARVEY LARSEN (hereinafter Respondent "LARSEN")
27 as a real estate broker dba Pacific Coast Properties.

1 III

2 On or about April 1, 2001, the Limited Term Final
 3 Subdivision Public Report Condominium File No. 036394SA-F00
 4 regarding Map of Northview located in San Rafael, expired.

5 IV

6 The following lots covered by the public report
 7 described in Paragraph III above were sold subsequent to the
 8 expiration of the public report:

9

10 LOT	CONTRACT EXECUTION	PURCHASERS	AGENTS	EMPLOYING BROKER
11 1	12/2/2002	Scott and Christina Gates	Listing: Designer Homes Realty Selling: Scott Gates	Afrin Zarkoub SIRE Enterprises
12 3	6/5/2002	Nathan and Angel Kennedy	Listing: Prime-Vest Selling: Prime-Vest	Prime-Vest Prime-Vest
13 4	2/21/2003	John N. and Tracy Addleman	Listing: Nancy L. Hevia Selling: Pamela McLaughlin	Prime-Vest Jack McLaughlin
14 5	7/12/2002	Matt and Sara Chang	Listing: Nancy L. Hevia Selling: Karyn O'Mohundro	Prime-Vest Pacific Union Real Estate
15 6	2/21/03	Holly Larsen	Listing: Prime-Vest Selling: Pacific Coast Properties	Prime-Vest Glen Larsen
16 8	2/25/2002	Diane Reiff	Listing: Designer Homes Realty Selling: none	Afshin Zarkoub
17 9	3/7/2002	Kenneth and Amanda Crabtree	Listing: Designer Homes Realty Selling: none	Afshin Zarkoub
18 10	2/25/2002	Thomas and Barbara Sabido	Listing: Designer Homes Realty Selling: none	Afshin Zarkoub

1 V

2 In all transactions listed in Paragraph IV above, no
3 agent, owner or subdivider gave a copy of a valid public report
4 to any of the purchasers listed therein in violation of Section
5 11018.1 of the Business and Professions Code.

6 VI

7 Respondent PRIME-VEST received trust funds which were
8 not placed in a trust account but failed to maintain a record of
9 such trust funds received but not put into a trust account in
10 violation of Section 2831, Title 10, California Code of
11 Regulations (hereinafter the "Regulations").

12 VII

13 At all times mentioned herein, Respondents MASSOUMI-
14 MADJLESSI, SCHAEFER, HOFFMAN, JEANES, LEVINE, SCARPA, and
15 MCLAUGHLIN failed to exercise reasonable supervision over the
16 activities of their respective agents and employees, and
17 permitted, ratified and/or caused the conduct described above.
18 Respondents MASSOUMI-MADJLESSI, SCHAEFER, HOFFMAN, JEANES,
19 LEVINE, SCARPA, and MCLAUGHLIN failed to reasonably or adequately
20 review, oversee, inspect and manage the personnel and activities
21 of their respective corporations and brokerages, and/or to
22 establish reasonable policies, rules, procedures and systems for
23 such review, oversight, inspection and management.

24 VIII

25 The acts and/or omissions of (a) Respondents PRIME-
26 VEST, SCOTT JOHN GATES, AFSHIN ZARKOUB, NANCY LEE HEVIA, SIRE
27 ENTERPRISES LTD., PACIFIC UNION REAL ESTATE GROUP LTD, PAMELA A.

1 MCLAUGHLIN, KARYN SUE O'MOHUNDRO, and GLENN HARVEY LARSEN
2 described above are grounds for the revocation or suspension of
3 all Respondent's licenses under Sections 10176(i) and/or 10177(g)
4 of the Code and Sections 11018.1 and 11018.2 of the Code in
5 conjunction with Section 10177(d) of the Code; (b) Respondents
6 MASSOUMI-MADJLESSI, SCHAEFER, HOFFMAN, JEANES, LEVINE, SCARPA,
7 and MCLAUGHLIN described above are grounds for the revocation or
8 suspension of all such Respondents' licenses under Sections
9 10177(h) and Section 2725 of the Regulations; and (c) Respondent
10 PRIME-VEST described above are grounds for the revocation or
11 suspension of all such Respondents' licenses under Section 2831
12 of the Regulations in conjunction with Section 10177(d) of the
13 Code.

14 WHEREFORE, Complainant prays that a hearing be
15 conducted on the allegations of this Accusation and that upon
16 proof thereof, a decision be rendered imposing disciplinary
17 action against all licenses and license rights of Respondents,
18 and all of them, under the Real Estate Law (Part 1 of Division 4
19 of the Business and Professions Code) and for such other and
20 further relief as may be proper under other provisions of law.

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23 CHARLES W. KOENIG
Deputy Real Estate Commissioner

24 Dated at Sacramento, California,
25 this 17th day of February, 2005.
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