

1 Department of Real Estate
2 320 W. 4th St., Room 350
3 Los Angeles, California 90013

4 Telephone: (213) 576-6982

FILED
OCT 24 2007
DEPARTMENT OF REAL ESTATE
By *[Signature]*

7 BEFORE THE DEPARTMENT OF REAL ESTATE
8 STATE OF CALIFORNIA

9 * * *

10	In the Matter of the Accusation of)	No. H-33667 LA
)	L-2007030975
11)	
12	HOME LOAN LENDING, INC.,)	<u>STIPULATION AND AGREEMENT</u>
	and PETER MICHAEL DOWNING,)	
13	individually and as)	
	designated officer of)	
14	Home Loan Lending, Inc.,)	
)	
15)	
	Respondents.)	
16)	

17 It is hereby stipulated by and between PETER MICHAEL
18 DOWNING (sometimes referred to as Respondent), and the
19 Complainant, acting by and through James R. Peel, Counsel for
20 the Department of Real Estate, as follows for the purpose of
21 settling and disposing of the Accusation filed on January 24,
22 2007, in this matter.

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

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

4 2. Respondent has received, read and understands the
5 Statement to Respondent, the Discovery Provisions of the
6 Administrative Procedure Act ("APA") and the Accusation filed by
7 the Department of Real Estate in this proceeding.

8 3. On March 22, 2007, Respondent filed a Notice of
9 Defense pursuant to Section 11506 of the Government Code for the
10 purpose of requesting a hearing on the allegations in the
11 Accusation. Respondent hereby freely and voluntarily withdraws
12 said Notice of Defense. Respondent acknowledges that he
13 understands that by withdrawing said Notice of Defense he will
14 thereby waive his right to require 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 he will waive
17 other rights afforded to him in connection with the hearing,
18 such as the right to present evidence in defense of the
19 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 filed in this
23 proceeding. In the interest of expedience and economy,
24 Respondent chooses not to contest these factual allegations, but
25 to remain silent and understands that, as a result thereof,
26 these factual statements, will serve as a prima facie basis for
27

1 the disciplinary action stipulated to herein. The Real Estate
2 Commissioner shall not be required to provide further evidence
3 to prove such allegations.

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

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

22 7. The Order or any subsequent Order of the Real
23 Estate Commissioner made pursuant to this Stipulation shall not
24 constitute an estoppel, merger or bar to any further
25 administrative or civil proceedings by the Department of Real
26 Estate with respect to any conduct which was not specifically
27 alleged to be causes for accusation in this proceeding.

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

DETERMINATION OF ISSUES

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

The conduct, acts and/or omissions of Respondent PETER MICHAEL DOWNING, as set forth in the Accusation, constitute cause for the suspension or revocation of all of the real estate licenses and license rights of Respondent under the provisions of Section 10177(d) of the Business and Professions Code ("Code") for violation of Code Sections 10137 and 10145(a), and Regulations 2831, 2831.1, 2831.2, and 2832.1, Title 10, Chapter 6, California Code of Regulations.

ORDER

All licenses and licensing rights of Respondent PETER MICHAEL DOWNING, under the Real Estate Law are suspended for a period of sixty (60) days from the effective date of this Decision; provided, however, that thirty (30) days of said suspension shall be stayed for two (2) years upon the following terms and conditions:

1. Respondent shall obey all laws, rules and regulations governing the rights, duties and responsibilities of a real estate licensee in the State of California; and

1 2. That no final subsequent determination be made,
2 after hearing or upon stipulation that cause for disciplinary
3 action occurred within two (2) years of the effective date of
4 this Decision. Should such a determination be made, the
5 Commissioner may, in his discretion, vacate and set aside the
6 stay order and reimpose all or a portion of the stayed
7 suspension. Should no such determination be made, the stay
8 imposed herein shall become permanent.
9

10 3. Provided, however, that if Respondent petitions,
11 the remaining thirty (30) days of said sixty (60) day suspension
12 shall be stayed upon condition that:

13 a. Respondent pays a monetary penalty pursuant to
14 Section 10175.2 of the Business and Professions Code at the rate
15 of \$75 for each day of the suspension for a total monetary
16 penalty of \$2,250.

17 b. Said payment shall be in the form of a
18 cashier's check or certified check made payable to the Recovery
19 Account of the Real Estate Fund. Said check must be received by
20 the Department prior to the effective date of the Decision in
21 this matter.

22 c. No further cause for disciplinary action
23 against the real estate licenses of Respondent occurs within two
24 (2) years from the effective date of the Decision in this
25 matter.
26
27

1 d. If Respondent fails to pay the monetary
2 penalty in accordance with the terms and conditions of the
3 Decision, the Commissioner may, without a hearing, order the
4 immediate execution of all or any part of the stayed suspension
5 in which event the Respondent shall not be entitled to any
6 repayment nor credit, prorated or otherwise, for money paid to
7 the Department under the terms of this Decision.
8

9 e. If Respondent pays the monetary penalty and if
10 no further cause for disciplinary action against the real estate
11 license of Respondent occurs within two (2) years from the
12 effective date of the Decision, the stay hereby granted shall
13 become permanent.

14 4. Respondent shall, within six months from the
15 effective date of this Decision, present evidence satisfactory
16 to the Real Estate Commissioner that Respondent has taken and
17 completed the trust fund accounting and handling course
18 specified in paragraph (3), subdivision (a) of Section 10170.5
19 of the Business and Professions Code within 120 days prior to
20 the effective date of the Decision in this matter. If Respondent
21 fails to satisfy this condition, the Commissioner may order the
22 suspension of Respondent's license until Respondent presents
23 such evidence. The Commissioner shall afford Respondent the
24 opportunity for a hearing pursuant to the Administrative
25 Procedure Act to present such evidence.
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

DATED: Aug 15, 2007

James R. Peel
JAMES R. PEEL, Counsel for the
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.

Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by faxing a copy of the signature page, as actually signed by Respondent, to the Department at the following telephone/fax number: (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending to the Department a fax copy of his or her actual signature as it appears on the Stipulation and Agreement, that receipt of the faxed copy by the Department shall be as binding on Respondent as if the Department had received the original signed Stipulation and Agreement.

1 Further, if the Respondent is represented, the
2 Respondent's counsel can signify his or her agreement to the
3 terms and conditions of the Stipulation and Agreement by
4 submitting that signature via fax.

5
6
7 DATED: _____
8 PETER MICHAEL DOWNING
9 Respondent

10
11
12
13 * * *

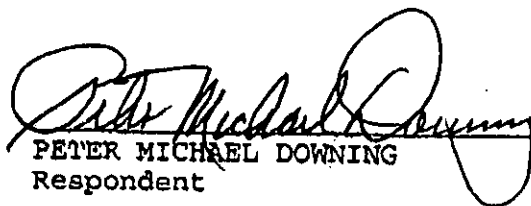
14 The foregoing Stipulation and Agreement is hereby
15 adopted as my Decision and Order in this matter, and shall
16 become effective at 12 o'clock noon on _____.

17 IT IS SO ORDERED _____.

18 JEFF DAVI
19 Real Estate Commissioner
20
21
22
23
24
25
26
27

1 Further, if the Respondent is represented, the
2 Respondent's counsel can signify his or her agreement to the
3 terms and conditions of the Stipulation and Agreement by
4 submitting that signature via fax.

5
6 DATED: 8-3-07

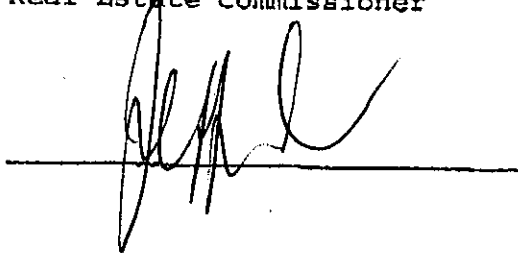

PETER MICHAEL DOWNING
Respondent

7
8
9
10
11
12
13 * * *

14 The foregoing Stipulation and Agreement is hereby
15 adopted as my Decision and Order in this matter, and shall
16 become effective at 12 o'clock noon on November 13, 2007

17 IT IS SO ORDERED 9-8-07

18
19 JEFF DAVI
20 Real Estate Commissioner

21
22 
23
24
25
26
27

FILED
OCT 24 2007
DEPARTMENT OF REAL ESTATE

1 Department of Real Estate
2 320 W. 4th St., Room 350
3 Los Angeles, California 90013
4 Telephone: (213) 576-6982

By 

7 BEFORE THE DEPARTMENT OF REAL ESTATE

8 STATE OF CALIFORNIA

9 * * *

10	In the Matter of the Accusation of)	No. H-33667 LA
)	L-2007030975
11)	
12	<u>HOME LOAN LENDING, INC.,</u>)	<u>STIPULATION AND AGREEMENT</u>
13	and PETER MICHAEL DOWNING,)	
14	individually and as)	
15	designated officer of)	
16	Home Loan Lending, Inc.,)	
)	
)	
	Respondents.)	
)	

17 It is hereby stipulated by and between HOME LOAN
18 LENDING, INC. (sometimes referred to as Respondent), and its
19 attorney, Doss Law, and the Complainant, acting by and through
20 James R. Peel, Counsel for the Department of Real Estate, as
21 follows for the purpose of settling and disposing of the
22 Accusation filed on January 24, 2007, in this matter.

23
24 1. All issues which were to be contested and all
25 evidence which was to be presented by Complainant and Respondent
26 at a formal hearing on the Accusation, which hearing
27 was to be held in accordance with the provisions of the

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

4 2. Respondent has received, read and understands the
5 Statement to Respondent, the Discovery Provisions of the
6 Administrative Procedure Act ("APA") and the Accusation filed by
7 the Department of Real Estate in this proceeding.

8 3. On March 22, 2007, Respondent filed a Notice of
9 Defense pursuant to Section 11506 of the Government Code for the
10 purpose of requesting a hearing on the allegations in the
11 Accusation. Respondent hereby freely and voluntarily withdraws
12 said Notice of Defense. Respondent acknowledges that it
13 understands that by withdrawing said Notice of Defense it will
14 thereby waive its right to require 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 it will waive
17 other rights afforded to it in connection with the hearing, such
18 as the right to present evidence in defense of the allegations
19 in the Accusation and the right to cross-examine witnesses.

20 4. This Stipulation is based on the factual
21 allegations contained in the Accusation filed in this
22 proceeding. In the interest of expedience and economy,
23 Respondent chooses not to contest these factual allegations, but
24 to remain silent and understands that, as a result thereof,
25 these factual statements, will serve as a prima facie basis for
26 the disciplinary action stipulated to herein. The Real Estate
27

1 Commissioner shall not be required to provide further evidence
2 to prove such allegations.

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

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

21 7. The Order or any subsequent Order of the Real
22 Estate Commissioner made pursuant to this Stipulation shall not
23 constitute an estoppel, merger or bar to any further
24 administrative or civil proceedings by the Department of Real
25 Estate with respect to any conduct which was not specifically
26 alleged to be causes for accusation in this proceeding.
27

DETERMINATION OF ISSUES

1
2 By reason of the foregoing stipulations and waivers
3 and solely for the purpose of settlement of the pending
4 Accusation without a hearing, it is stipulated and agreed that
5 the following determination of issues shall be made:

6 The conduct, acts and/or omissions of Respondent
7 HOME LOAN LENDING, INC., as set forth in the Accusation,
8 constitute cause for the suspension or revocation of all of the
9 real estate licenses and license rights of Respondent under the
10 provisions of Section 10177(d) of the Business and Professions
11 Code ("Code") for violation of Code Sections 10137 and 10145(a),
12 and Regulations 2831, 2831.1, 2831.2, and 2832.1, Title 10,
13 Chapter 6, California Code of Regulations.

ORDER

14
15 All licenses and licensing rights of Respondent HOME
16 LOAN LENDING, INC., under the Real Estate Law are suspended for
17 a period of sixty (60) days from the effective date of this
18 Decision; provided, however, that thirty (30) days of said
19 suspension shall be stayed for two (2) years upon the following
20 terms and conditions:

21
22 1. Respondent shall obey all laws, rules and
23 regulations governing the rights, duties and responsibilities of
24 a real estate licensee in the State of California; and
25
26
27

1 2. That no final subsequent determination be made,
2 after hearing or upon stipulation that cause for disciplinary
3 action occurred within two (2) years of the effective date of
4 this Decision. Should such a determination be made, the
5 Commissioner may, in his discretion, vacate and set aside the
6 stay order and reimpose all or a portion of the stayed
7 suspension. Should no such determination be made, the stay
8 imposed herein shall become permanent.

9 3. Provided, however, that if Respondent petitions,
10 the remaining thirty (30) days of said sixty (60) day suspension
11 shall be stayed upon condition that:

12 a. Respondent pays a monetary penalty pursuant to
13 Section 10175.2 of the Business and Professions Code at the rate
14 of \$75 for each day of the suspension for a total monetary
15 penalty of \$2,250.

16 b. Said payment shall be in the form of a
17 cashier's check or certified check made payable to the Recovery
18 Account of the Real Estate Fund. Said check must be received by
19 the Department prior to the effective date of the Decision in
20 this matter.

21 c. No further cause for disciplinary action
22 against the real estate licenses of Respondent occurs within two
23 (2) years from the effective date of the Decision in this
24 matter.
25
26
27

1 d. If Respondent fails to pay the monetary
2 penalty in accordance with the terms and conditions of the
3 Decision, the Commissioner may, without a hearing, order the
4 immediate execution of all or any part of the stayed suspension
5 in which event the Respondent shall not be entitled to any
6 repayment nor credit, prorated or otherwise, for money paid to
7 the Department under the terms of this Decision.

8 e. If Respondent pays the monetary penalty and if
9 no further cause for disciplinary action against the real estate
10 license of Respondent occurs within two (2) years from the
11 effective date of the Decision, the stay hereby granted shall
12 become permanent.

13 4. Pursuant to Section 10148 of the Business and
14 Professions Code, Respondent HOME LOAN LENDING, INC. shall pay
15 the Commissioner's reasonable cost for the audit which led to
16 this disciplinary action and shall pay the Commissioner's
17 reasonable cost for a subsequent audit to determine if
18 Respondent HOME LOAN LENDING, INC. has corrected the violations
19 found in the Determination of Issues. In calculating the amount
20 of the Commissioner's reasonable cost, the Commissioner may use
21 the estimated average hourly salary for all persons performing
22 audits of real estate brokers, and shall include an allocation
23 for travel costs, including mileage, time to and from the
24 auditor's place of work and per diem. Respondent shall pay such
25 cost within 45 days of receiving an invoice from the
26 Commissioner detailing the activities performed during the audit
27

1 and the amount of time spent performing those activities. The
2 Commissioner may, in his discretion, vacate and set aside the
3 stay order, if payment is not timely made as provided for
4 herein, or as provided for in a subsequent agreement between the
5 Respondent and the Commissioner. The vacation and the set aside
6 of the stay shall remain in effect until payment is made in
7 full, or until Respondent enters into an agreement satisfactory
8 to the Commissioner to provide for payment.

9 Should no order vacating the stay be issued, either in
10 accordance with this condition or condition "2", the stay
11 imposed herein shall become permanent.

12
13 DATED:

Aug 15, 2007

James R. Peel
JAMES R. PEEL, Counsel for the
Department of Real Estate

14
15 * * *

16 I have read the Stipulation and Agreement, discussed
17 it with my attorney, and its terms are understood by me and are
18 agreeable and acceptable to me. I understand that I am waiving
19 rights given to me by the California Administrative Procedure
20 Act (including but not limited to Sections 11506, 11508, 11509
21 and 11513 of the Government Code), and I willingly,
22 intelligently and voluntarily waive those rights, including the
23 right of requiring the Commissioner to prove the allegations in
24 the Accusation at a hearing at which I would have the right to
25 cross-examine witnesses against me and to present evidence in
26 defense and mitigation of the charges.

1 Respondent can signify acceptance and approval of the
2 terms and conditions of this Stipulation and Agreement by faxing
3 a copy of the signature page, as actually signed by Respondent,
4 to the Department at the following telephone/fax number:

5 (213) 576-6917. Respondent agrees, acknowledges and understands
6 that by electronically sending to the Department a fax copy of
7 his or her actual signature as it appears on the Stipulation and
8 Agreement, that receipt of the faxed copy by the Department
9 shall be as binding on Respondent as if the Department had
10 received the original signed Stipulation and Agreement.

11 Further, if the Respondent is represented, the
12 Respondent's counsel can signify his or her agreement to the
13 terms and conditions of the Stipulation and Agreement by
14 submitting that signature via fax.

15
16 DATED: _____

HOME LOAN LENDING, INC.
Respondent

17
18
19 DATED: _____

DOSS LAW
Counsel for Respondent

20
21 //

22 //

23 //

24 //

25 //

26

27

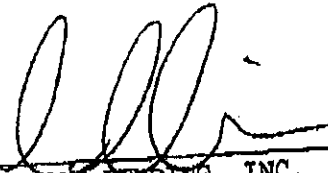
HUVU1701 WED 03:40 PM

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

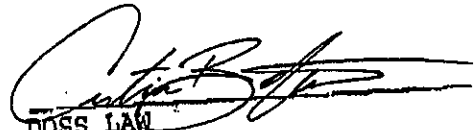
Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by faxing a copy of the signature page, as actually signed by Respondent, to the Department at the following telephone/fax number: (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending to the Department a fax copy of his or her actual signature as it appears on the Stipulation and Agreement, that receipt of the faxed copy by the Department shall be as binding on Respondent as if the Department had received the original signed Stipulation and Agreement.

Further, if the Respondent is represented, the Respondent's counsel can signify his or her agreement to the terms and conditions of the Stipulation and Agreement by submitting that signature via fax.

DATED: 8-3-07


HOME LOAN LENDING, INC.
Respondent

DATED: 8/3/07


DOSS LAW
Counsel for Respondent

//
//
//
//
//

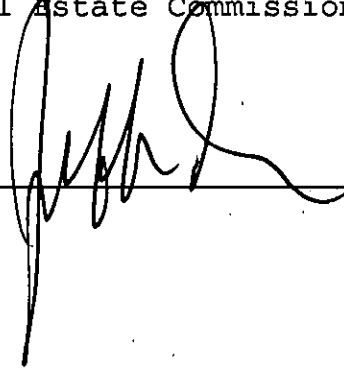
* * *

1 The foregoing Stipulation and Agreement is hereby
2 adopted as my Decision and Order in this matter, and shall
3 become effective at 12 o'clock noon on November 13, 2007
4

5 IT IS SO ORDERED _____

10/3/07

6 JEFF DAVI
7 Real Estate Commissioner

8 
9 _____
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

3000
Hay

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

JAMES R. PEEL, Counsel (SBN 47055)
Department of Real Estate
320 West Fourth Street, Ste. 350
Los Angeles, California 90013-1105

Telephone: (213) 576-6982
-or- (213) 576-6913 (Direct)

FILED
JAN 24 2007
DEPARTMENT OF REAL ESTATE
[Signature]

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-33667 LA
HOME LOAN LENDING, INC.,)	<u>A C C U S A T I O N</u>
and PETER MICHAEL DOWNING,)	
individually and as)	
designated officer of)	
Home Loan Lending, Inc.,)	
Respondents.)	

The Complainant, Janice A. Waddell, a Deputy Real Estate Commissioner of the State of California, for cause of accusation against HOME LOAN LENDING, INC., and PETER MICHAEL DOWNING, individually and as designated officer of Home Loan Lending, Inc., alleges as follows:

I

The Complainant, Janice A. Waddell, acting in her official capacity as a Deputy Real Estate Commissioner of the State of California, makes this Accusation against HOME LOAN LENDING, INC., and PETER MICHAEL DOWNING.

///

1 II

2 HOME LOAN LENDING, INC., and PETER MICHAEL DOWNING
3 (hereinafter referred to as "Respondents"), are presently
4 licensed and/or have license rights under the Real Estate Law
5 (Part 1 of Division 4 of the Business and Professions Code)
6 (hereinafter Code).

7 III

8 At all times herein mentioned, Respondent HOME LOAN
9 LENDING, INC., was licensed as a real estate broker with
10 Respondent PETER MICHAEL DOWNING as its designated officer.

11 a. Respondent PETER MICHAEL DOWNING previously had his
12 real estate license suspended which suspension was stayed on
13 terms and conditions in case no. H-29760 LA filed July 18, 2003.

14 b. Respondent PETER MICHAEL DOWNING previously had his
15 real estate license suspended which suspension was stayed on
16 terms and conditions in case no. H-31751 LA filed June 1, 2006.

17 IV

18 At all times material herein, Respondents engaged in
19 the business of, acted in the capacity of, advertised or assumed
20 to act as a real estate broker in the State of California, within
21 the meaning of Sections 10131(a) and (d) of the Code and the
22 exception set forth in Financial Code Section 17004(a)(4).

23 V

24 On or about January 11, 2006, the Department completed
25 an examination of Respondents' books and records, pertaining to
26 the activities described in Paragraph IV above, covering a period
27 from July 1, 2004, through September 30, 2005, which examination

1 revealed violations of the Code and of Title 10, Chapter 6,
2 California Code of Regulations (hereinafter Regulations) as set
3 forth below.

4 VI

5 The examination described in Paragraph V, above,
6 determined that, in connection with the activities described in
7 Paragraph IV above, Respondents accepted or received funds,
8 including funds in trust (hereinafter "trust funds") from or on
9 behalf of principals, and thereafter made deposit or disbursement
10 of such funds.

11 VII

12 In the course of activities described in Paragraphs IV
13 through VI and during the examination period described in
14 Paragraph V, Respondents acted in violation of the Code and the
15 Regulations as follows, and as more specifically set forth in
16 Audit Report Nos. LA 050120 and LA 050140 and related exhibits:

17 (1) Violated Section 10145(a) of the Code and
18 Regulation 2832.1 in that as of September 30, 2005, the escrow
19 trust account had a shortage of \$62,615.92.

20 (2) Violated Section 10137 of the Code by employing
21 Dashna Hughes, while unlicensed, to solicit and negotiate a loan
22 on real property located at 5462 Adobe Falls #14, San Diego,
23 California, for borrower Vin Sandal. Said activities require a
24 real estate license as defined by Section 10131(d) of the Code.

25 (3) Violated Regulation 2831 by maintaining columnar
26 records that were not complete and accurate in that the record.
27

1 was missing the date the funds were received and the daily
2 balance was not accurate.

3 (4) Violated Regulation 2831.1 by maintaining separate
4 records that were not complete and accurate in that the date
5 funds were received was not always accurate, a daily balance was
6 missing, and some records were not in chronological order.

7 (5) Violated Regulation 2831.2 by not performing a
8 monthly reconciliation of the control records with the separate
9 records.

10 (6) Violated Regulation 2834 by allowing unlicensed
11 and unbonded trust account signatories.

12 (7) Violated Code Section 10145, and Regulations 2832
13 and 2950(f) by not depositing funds into the escrow trust account
14 by the next business day.

15 (8) Violated Regulation 2950(h) by failing to advise
16 all parties in writing of their ownership interest in the agency
17 conducting the escrows.

18 VIII

19 The conduct of Respondents HOME LOAN LENDING, INC., and
20 PETER MICHAEL DOWNING, as alleged above, subjects their real
21 estate licenses and license rights to suspension or revocation
22 pursuant to Sections 10137, 10177(d), 10177(g) of the Code.

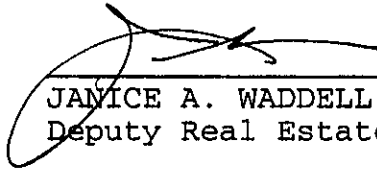
23 IX

24 The conduct of Respondent PETER MICHAEL DOWNING, as
25 alleged above, is in violation of Code Section 10159.2 and
26 subjects his real estate licenses and license rights to suspension
27 or revocation pursuant to Code Secs. 10177(d), (g) and 10177(h).

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 license rights of Respondents
5 HOME LOAN LENDING, INC., and PETER MICHAEL DOWNING, individually
6 and as designated officer of Home Loan Lending, Inc., under the
7 Real Estate Law (Part 1 of Division 4 of the Business and
8 Professions Code) and for such other and further relief as may be
9 proper under other applicable provisions of law.

10 Dated at Los Angeles, California

11 this 30 day of October, 2006.

12
13 
14 JANICE A. WADDELL
15 Deputy Real Estate Commissioner
16
17
18
19
20
21
22

23 cc: Home Loan Lending, Inc.
24 Peter Michael Downing
25 Janice A. Waddell
26 Audit Section/Manijeh Kharzai
27 Sacto.