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**FILED**

DEC 13 2016

BUREAU OF REAL ESTATE

By *[Signature]*

8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of

No. H-03070 FR

12 TOMAS PIEDRA,

ACCUSATION

13 Respondent.  
14

15 The Complainant, Brenda Smith, a Supervising Special Investigator of the State  
16 of California, for cause of Accusation against TOMAS PIEDRA, alleges as follows:

17 1.

18 The Complainant, Brenda Smith, a Supervising Special Investigator of the State  
19 of California, makes this Accusation in her official capacity.

20 2.

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

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26 CalBRE Accusation – Tomas Piedra  
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1 LICENSE HISTORY

2 3.

3 TOMAS PIEDRA

4 A. Respondent TOMAS PIEDRA ("PIEDRA") is presently licensed and/or has  
5 license rights under the Real Estate Law (Part 1 of Division 4 of the Code) as a real estate broker  
6 ("REB"), Bureau of Real Estate ("BRE" or "Bureau") license ID 01438278.

7 B. PIEDRA was originally licensed by the Bureau as a real estate salesperson  
8 ("RES") on or about October 1, 2004, and as a broker on or about May 15, 2008.

9 C. According to BRE records to date, PIEDRA's BRE main office address,  
10 mailing address, and branch office address are the same: 604 H St., Suite 140, Bakersfield,  
11 California 93304.

12 D. According to BRE records to date, PIEDRA maintains the following DBAs  
13 under his BRE license: 1) Dream Home Realty, active as of June 2, 2008, and 2) Nationwide  
14 Realty Management, active as of July 8, 2014.

15 E. PIEDRA's BRE license will expire on May 22, 2020.

16 BROKERAGE

17 4.

18 At all times mentioned in Bakersfield, California, Respondent PIEDRA acted as a  
19 real estate broker, and ordered, caused, authorized or participated in licensed activities within the  
20 meaning of:

21 A. Code Section 10131(a), by selling or offering to sell, buying or offering to buy,  
22 soliciting prospective sellers or purchasers of, soliciting or obtaining listings of, or negotiating  
23 the purchase, sale or exchange of real property or a business opportunity ("real estate sales"), and  
24

1 B. Code Section 10131(b), wherein PIEDRA engaged in property management  
2 activities, and leased or rented or offered to lease or rent, or placed for rent, or solicited listings  
3 of places for rent, or solicited for prospective tenants, or negotiated the sale, purchase or  
4 exchanges of leases on real property, or on a business opportunity, or collected rent from real  
5 property, or improvements thereon, or from business opportunities (“property management”).

6 AUDIT VIOLATIONS

7 (BRE Audit FR-14-0005)

8 5.

9 On March 30, 2015, the Bureau completed an audit examination of the books and  
10 records of Respondent PIEDRA pertaining to the real estate activities described in Paragraph 6  
11 above, which require a real estate license. The audit examination covered a period of time  
12 beginning on January 1, 2014 and ending on October 31, 2014 (“audit examination period”), and  
13 was performed between August 21, 2014 and March 30, 2015 (“field work period”). The final  
14 report of March 30, 2015 revealed violations of the Code and the Regulations as set forth in the  
15 following paragraphs, and more fully discussed in Audit Report FR-14-0005.

16 Bank Accounts

17 6.

18 During the audit examination period, Respondent PIEDRA accepted or received  
19 funds including funds in trust (“trust funds”) from or on behalf of actual or prospective parties,  
20 and thereafter made deposits or disbursements of such funds. During the examination period the  
21 Bureau examined the following accounts used by PIEDRA for the deposit and/or maintenance of  
22 said trust funds relating to his real estate activities:

23 Bank Account 1 (“Trust 1” in Audit FR-14-0005)

24 \* Account Number: xxxxx-2582

25 \* Bank: JPMorgan Chase Bank N.A., Bakersfield, CA

1 Bank Account 2 ("Trust 2" in Audit FR-14-0005)

2 \* Account Number: xxxx-4687

3 \* Bank: Union Bank, Bakersfield, CA

4 Violations of the Real Estate Law

5 7.

6 In the course of the activities described in Paragraph 6, above, and during the  
7 audit examination period described in Paragraph 7, Respondent PIEDRA acted in violation of the  
8 Code and the Regulations, as described below:

9 **A. Trust Fund Handling – Failure to Maintain Accurate Records (Regulation**  
10 **2831)**

11 During the audit examination period, PIEDRA failed to maintain an accurate  
12 record of all trust funds received and disbursed in a format that would readily enable tracing and  
13 reconciliation, in violation of **Code Section 10145 and Regulation 2831.**

14 **B. Trust Fund Handling – Failure to Maintain Separate Records (Regulation**  
15 **2831.1)**

16 During the audit examination period, PIEDRA failed to maintain a separate  
17 record for each beneficiary or transaction accounting for all funds deposited to his trust fund  
18 account, in violation of **Code Section 10145 and Regulation 2831.1.**

19 **C. Trust Fund Handling – Failure to Maintain Trust Account Reconciliation**  
20 **(Regulation 2831.2)**

21 During the audit examination period, PIEDRA failed to reconcile, prepare,  
22 maintain and retain the required reconciliation of the balance of all of the separate records with  
23 the record of all trust funds received and disbursed, in violation of **Code Section 10145 and**  
24 **Regulation 2831.2.**

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26 CalBRE Accusation – Tomas Piedra

1 ADDITIONAL VIOLATIONS

2 8.

3 **A. Negligence (Code Section 10177(g))**

4 The overall conduct of Respondent **PIEDRA** is violative of the Real Estate Law  
5 and constitutes cause for the suspension or revocation of the real estate licenses and license rights  
6 of **PIEDRA** under the provisions of **Code Section 10177(g)** for negligence.

7 **B. Willful Disregard of the Real Estate Law (Code Section 10177(d))**

8 The overall conduct of Respondent **PIEDRA** is violative of the Real Estate Law  
9 and constitutes cause for the suspension or revocation of the real estate licenses and license rights  
10 of **PIEDRA** under the provisions of **Code Section 10177(d)** for willful disregard of the Real  
11 Estate Law.

12 COSTS

13 Investigation and Enforcement Costs

14 9.

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

20 Audit Costs

21 10.

22 **Code Section 10148(b)** provides, in pertinent part, the Commissioner shall charge  
23 a real estate broker for the cost of any audit, if the Commissioner has found in a final decision  
24 following a disciplinary hearing that the broker has violated Code section 10145 or a regulation  
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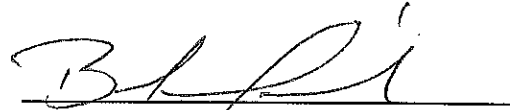
26 CalBRE Accusation -- Tomas Piedra  
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1 or rule of the Commissioner interpreting said section.

2 WHEREFORE, Complainant prays that a hearing be conducted on the allegations  
3 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary  
4 action against the licenses and license rights of Respondent TOMAS PIEDRA under the Real  
5 Estate Law (Part 1 of vision 4 of the Business and Professions Code), for the cost of investigation  
6 and enforcement as permitted by law, and for such other and further relief as may be proper  
7 under other provisions of law, and for costs of audit.

8 Dated at Fresno, California

9 this 2 day of December, 2016.

10   
11 Brenda Smith  
12 Supervising Special Investigator

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cc: Tomas Piedra  
Sacto.  
Audits – Tom Cameron

CalBRE Accusation – Tomas Piedra