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FILED

JUL 14 2020

DEPARTMENT OF REAL ESTATE
By B. Nicholas

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of

TITAN REAL ESTATE GROUP, INC. and
ANGELIA GAIL TRIGUEIRO,

Respondents.

No. H-3334 FR

ACCUSATION

The Complainant, BRENDA SMITH, a Supervising Special Investigator of the
State of California, for cause of Accusation against TITAN REAL ESTATE GROUP, INC. and
ANGELIA GAIL TRIGUEIRO (Respondents), is informed and alleges as follows:

PRELIMINARY ALLEGATIONS

1

The Complainant, BRENDA SMITH, a Supervising Special Investigator of the
State of California, makes this Accusation in her official capacity.

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

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At all times mentioned, TITAN REAL ESTATE GROUP, INC. (TREGI) was and is licensed by the State of California Department of Real Estate (Department) as a real estate broker corporation.

At all times mentioned, Respondent ANGELIA GAIL TRIGUEIRO (TRIGUEIRO) was and is licensed by the Department individually as a real estate broker, and as the designated broker officer of TREGI. As said designated officer-broker, TRIGUEIRO was responsible pursuant to Section 10159.2 of the Code for the supervision of the activities of the officers, agents, real estate licensees, and employees of TREGI for which a license is required.

Whenever reference is made in an allegation in this Accusation to an act or omission of TREGI, such allegation shall be deemed to mean that the officers, directors, employees, agents and real estate licensees employed by or associated with TREGI committed such acts or omissions while engaged in furtherance of the business or operation of TREGI and while acting within the course and scope of their corporate authority and employment.

At all times mentioned, Respondents engaged in the business of, acted in the capacity of, advertised, or assumed to act as real estate brokers in the State of California, within the meaning of Section 10131(b) of the Code in the operation and conduct of a property management business with the public wherein, on behalf of others, for compensation or in expectation of compensation, Respondents leased or rented and offered to lease or rent, and placed for rent, and solicited listings of places for rent, and solicited for prospective tenants of real property or improvements thereon, and collected rents from real property or improvements thereon.

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1 FIRST CAUSE OF ACTION

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3 Each and every allegation in Paragraphs 1 through 6, inclusive, is incorporated by
4 this reference as if fully set forth herein.

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6 On or about May 30, 2019, through November 14, 2019, an audit was conducted
7 of the records of TREGI. The auditor herein examined the records for the period of June 1, 2017,
8 through March 31, 2019.

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10 While acting as a real estate broker as described in Paragraph 6, Respondents
11 accepted or received funds in trust (trust funds) from or on behalf of owners and tenants in
12 connection with the leasing, renting, and collection of rents on real property or improvements
13 thereon, as alleged herein, and thereafter from time to time made disbursements of said trust
14 funds.

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16 The trust funds accepted or received by Respondents as described in Paragraph 9
17 were deposited or caused to be deposited by Respondents into trust accounts which were
18 maintained by Respondents for the handling of trust funds, and thereafter from time-to-time
19 Respondents made disbursements of said trust funds, identified as follows:

20

BANK ACCOUNT # 1	
21 Bank Name and Location:	Valley Republic Bank
22	5000 California Avenue #110
23	Bakersfield, CA 93309
24 Account No.:	XXXXXXXXX3283
25	
26 Entitled:	Titan Real Estate Group, Inc
27	

TRUST ACCOUNT # 1	
Bank Name and Location:	Valley Republic Bank 5000 California Avenue #110 Bakersfield, CA 93309
Account No.:	XXXXXXXXX7174
Entitled:	Titan Real Estate Group, Inc.; Trustee, Real Estate Broker Trust Account

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In the course of the activities described in Paragraph 6, Respondents:

(a) caused, suffered, or permitted the combined balance of funds in Bank Account #1 and Trust Account #1 to be reduced to an amount which, as of March 31, 2019, was approximately \$101,519.72 less than the aggregate liability of Bank Account #1 and Trust Account #1 to all owners of such funds, without the prior written consent of each and every owner of such funds, in violation of Sections 10176(i) and 10145 of the Code and Section 2832.1 of Title 10 of the California Code of Regulations (Regulations);

(b) failed to deposit trust funds into one or more trust funds accounts in the name of TREGI as trustee at a bank or other financial institution, in conformance with Section 10145 of the Code and Section 2832 of Title 10 of the California Code of Regulations (Regulations);

(c) failed to keep accurate separate records for each beneficiary or transaction, accounting therein for all funds which were deposited into Bank Account #1 and Trust Account #1, containing all of the information required by Section 2831.1 of the Regulations;

(d) failed to maintain a written control record, for Bank Account #1 and Trust Account #1, of all trust funds received and disbursed, containing all information required by Section 2831 of the Regulations;

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1 (e) failed to reconcile, for Bank Account #1 and Trust Account #1, the
2 balance of separate beneficiary or transaction records with the control record of trust funds
3 received and disbursed at least once a month, and/or failed to maintain a record of such
4 reconciliations for each account as required by Section 2831.2 of the Regulations; and

5 (f) caused, permitted, and/or allowed, the possible withdrawal of trust funds
6 from Bank Account #1, by a person, Curtis Trigueiro, who was not licensed by the
7 Department and not covered by a fidelity bond in violation of Section 2834 of the Regulations.

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9 The facts alleged in the First Cause of Action are grounds for the suspension or
10 revocation of Respondents' licenses and license rights under the following sections of the Code
11 and Regulations:

12 As to Paragraph 11(a), under Sections 10176(i), 10177(d), and/or 10177(g) of the
13 Code in conjunction with Section 10145 of the Code and Section 2832.1 of the Regulations;

14 As to Paragraphs 11(b), under Sections 10177(d) and/or 10177(g) of the Code in
15 conjunction with Section 10145 of the Code and Section 2832 of the Regulations;

16 As to Paragraph 11(c), under Sections 10177(d) and/or 10177(g) of the Code in
17 conjunction with Section 10145 of the Code and Section 2831.1 of the Regulations;

18 As to Paragraph 11(d), under Sections 10177(d) and/or 10177(g) of the Code in
19 conjunction with Section 10145 of the Code and Section 2831 of the Regulations;

20 As to Paragraph 11(e), under Sections 10177(d) and/or 10177(g) of the Code in
21 conjunction with Section 10145 of the Code and Section 2831.2 of the Regulations; and

22 As to Paragraph 11(f), under Sections 10177(d) and/or 10177(g) of the Code in
23 conjunction with Section 10145 of the Code and Section 2834 of the Regulations.

24 SECOND CAUSE OF ACTION

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26 Each and every allegation in Paragraphs 1 through 12, inclusive, above, are
27 incorporated by this reference as if fully set forth herein.

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Respondent TRIGUEIRO failed to exercise reasonable supervision over the acts of TREGI in such a manner as to allow the acts and events described above to occur.

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The acts and/or omissions of TRIGUEIRO described in Paragraph 14 constitute failure on the part of TRIGUEIRO, as designated broker-officer for TREGI, to exercise reasonable supervision and control over the licensed activities of TREGI as required by Section 10159.2 of the Code.

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The facts described above as to the Second Cause of Action constitute cause for the suspension or revocation of the licenses and license rights of Respondent TRIGUEIRO under Section 10177(g) and/or Section 10177(h) of the Code, and Section 10159.2 of the Code in conjunction with Section 10177(d) of the Code.

COST RECOVERY

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The acts and/or omissions of Respondents as alleged above, entitle the Department to reimbursement of the costs of its audit pursuant to Section 10148(b) of the Code.

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Section 10106 of the Code provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Department, the Commissioner may request the Administrative Law Judge to direct a licensee found to have committed a violation of this part to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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1 WHEREFORE, Complainant prays that a hearing be conducted on the
2 allegations of this Accusation and that upon proof thereof, a decision be rendered imposing
3 disciplinary action against all licenses and license rights of Respondents under the Code, for the
4 cost of the audit as permitted by law, for the cost of investigation and enforcement as permitted
5 by law, and for such other and further relief as may be proper under the provisions of law.

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8 BREND A SMITH
9 Supervising Special Investigator

10 Dated at Fresno, California,
11 this 3 day of July, 2020
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21 DISCOVERY DEMAND
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23 Pursuant to Sections 11507.6, *et seq.* of the *Government Code*, the Department of
24 Real Estate hereby makes demand for discovery pursuant to the guidelines set forth in the
25 *Administrative Procedure Act*. Failure to provide Discovery to the Department of Real Estate
26 may result in the exclusion of witnesses and documents at the hearing or other sanctions that the
27 Office of Administrative Hearings deems appropriate.