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FILED

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DEPARTMENT OF REAL ESTATE
By Bill Wilson

9 BEFORE THE DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)

13 RYAN RAMIREZ INC.;)

14 and)

15 RYAN DANIEL RAMIREZ, individually and)
16 as designated officer of Ryan Ramirez Inc.,)

17 Respondents.)

No. H-3493 FR

ACCUSATION

18 The Complainant, RUBEN CORONADO, a Supervising Special Investigator of
19 the State of California, for cause of Accusation against RYAN RAMIREZ INC. and RYAN
20 DANIEL RAMIREZ (collectively referred to as "Respondents"), is informed and alleges as
21 follows:

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23 The Complainant, RUBEN CORONADO, a Supervising Special Investigator of
24 the State of California, makes this Accusation in his official capacity.

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1 PRELIMINARY ALLEGATIONS

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

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6 Beginning on or about April 12, 2013, and continuing through April 11,
7 2021, Respondent RYAN RAMIREZ INC. (RRI) was licensed by the State of California
8 Department of Real Estate (Department) as a real estate broker corporation, License ID
9 01928590. RRI's corporate broker license expired on April 11, 2021. Pursuant to Executive
10 Order No. N-83-20, the expiration was stayed until June 30, 2021. RRI's corporate broker
11 license expired on July 1, 2021, and was not renewed until April 22, 2022. Beginning on or
12 about April 23, 2022, and continuing until present, RRI was and is licensed by the Department as
13 a real estate broker corporation. Unless renewed, RRI's corporate broker license will expire on
14 April 22, 2026.

15 RYAN DANIEL RAMIREZ (RAMIREZ) was and is licensed by the Department
16 as the designated broker officer of RRI. As said designated officer-broker, RAMIREZ was and
17 is responsible pursuant to Section 10159.2 of the Code for the supervision of the activities of the
18 officers, agents, real estate licensees, and employees of RRI for which a license is required.

19 RAMIREZ was and is 100 percent shareholder, and the President of RRI.

20 RRI was licensed to do business under the fictitious business names "RDR
21 Property Management," "Ryan Ramirez & Associates," and "Ryan Real Estate."

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23 At all times mentioned, Respondent RAMIREZ was and is licensed by the
24 Department individually as a real estate broker, License ID 01351508. RAMIREZ was licensed
25 as a real estate salesperson on September 24, 2002, and as a broker on June 29, 2011. Unless
26 renewed, RAMIREZ's broker license will expire June 28, 2023.

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

AUDIT FR21-0066 & FR21-0075

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On or about September 28, 2022, the Department completed its audit (FR21-0066 and FR21-0075) of the books and records of RRI property management activities described in Paragraph 7. The auditor herein examined the records for the period of October 1, 2020, through May 31, 2022.

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At all times mentioned, Respondents engaged in the business of, acted in the capacity of, advertised, or assumed to act as a real estate broker within the State of California within the meaning of:

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Section 10131(a) of the Code, in that Respondents performed licensed activities in the State of California for or in expectation of compensation, including sale or offer of sale, purchase or offer of purchase, solicitation of prospective sellers and purchasers of, solicitation or obtaining listings of, or negotiations of the purchase, sale or exchange of real property or a business opportunity. During the audit period, Respondents closed sixteen (16) listing transactions totaling \$11,060,000 and closed five (5) sales transactions totaling \$2,635,000. In two of the transactions Respondent acted in a dual capacity representing both the buyer and seller.

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Section 10131(b) of the Code, including 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

1 solicited for prospective tenants of real property or improvements thereon, and collected rents
2 from real property or improvements thereon. During the audit period, Respondents managed
3 approximately six residential properties.

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5 While acting as a real estate broker as described in Paragraph 7, Respondents
6 accepted or received funds in trust (trust funds) from or on behalf of owners and tenants in
7 connection with the leasing, renting, and collection of rents on real property or improvements
8 thereon, as alleged herein, and thereafter from time-to-time made disbursements of said trust
9 funds.

10 The trust funds accepted or received by Respondents were deposited or caused to
11 be deposited by Respondents into accounts which were maintained by Respondents for the
12 handling of trust funds, and thereafter from time-to-time Respondents made disbursements of
13 said trust funds, identified as follows:

TRUST ACCOUNT # 1	
16 Bank Name and Location:	Tri Counties Bank 7020 N. Marks Avenue, Suite 101 18 Fresno, CA 93711
19 Account No.:	XXXXXX4670
20 Account Name:	RDR Property Management Client Trust Account
21 Purpose:	Trust Account #1, a business checking account, was used for 22 deposits and disbursements related to the management of 23 rental properties. Deposits consisted of rents and 24 disbursements consisted of payments for expenses related to 25 the properties managed and remittances to owners.

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TRUST ACCOUNT # 2	
Bank Name and Location:	Tri Counties Bank 7020 N. Marks Avenue, Suite 101 Fresno, CA 93711
Account No.:	XXXXXX1146
Account Name:	RDR Property Management Client Trust Account
Purpose:	Trust Account #2, a business checking account, was used for deposits and disbursements related to the management of rental properties. Deposits consisted of security deposits and disbursements consisted of security deposit refunds and remittances to owners.

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In the course of the property management activities described in Paragraph 7, and during the audit examination period described in Paragraph 6, Respondents violated the Code and Regulations described below:

Commingling

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Respondent commingled with its own money or property, the money or property of others which was received or held by Respondent in trust in violation of Section 10176(e) of the Code.

Respondents failed to disburse management fees within 25 days of earning said fees. As of February 28, 2002, Trust Account #1 contained \$1,089.00 in Broker Funds, which consisted of management fees that had not been disbursed within 25 days of earning.

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1 Separate Records

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3 Respondent failed to maintain accurate separate records for each beneficiary or
4 transaction, accounting therein for all funds which were deposited into Trust Account #1 and
5 Trust Account #2 containing all the information required by Section 2831.1 of the Regulations.

6 Trust Account #1 contained unidentified and/or unaccounted for funds of at least
7 \$2,832.82. Trust Account #2 contained unidentified and/or unaccounted for funds of at least
8 \$178.

9 Trust Account Reconciliation

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11 Respondents failed to reconcile the balance of separate beneficiary or transaction
12 records with the control record of trust funds received and disbursed at least once a month,
13 and/or failed to maintain a record of such reconciliations for Trust Account #1 and Trust
14 Account #2, as required by Section 2831.2 of the Regulations.

15 Unlicensed Activity

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17 Between July 1, 2021, and April 22, 2022, RRI, while its license was expired, in
18 course of the property management brokerage activities described in Paragraph 7, solicited
19 prospective tenants for, negotiated rental agreements for and collected rents from real properties
20 owned by another or others, including but not limited to the following:

PROPERTY OWNER	PROPERTY LOCATION(S)
Michelle A.	45 Brittany
Michelle A.	1980 Tuscany
Michelle A.	4476 W. Celeste
Michelle A.	2302 Goshen
Regina F.	6174 N. 6 th
Vish	5714 N. Malsbary

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Between July 1, 2021, and April 22, 2022, RRI, while its license was expired, in course of the residential sales brokerage activities described in Paragraph 7, sold and offered to sell, bought and offered to buy, solicited prospective sellers and purchasers of, solicited and obtained listings of, and negotiated the purchase and resale of real property, including but not limited to the following:

<u>BUYER/SELLER</u>	<u>PROPERTY LOCATION(S)</u>
Tabatha H.	342 N. Raphael Lane, Clovis
Shannon D.	7743 N. 9 th Street, Fresno
Tabatha H.	18845 Via Mira Bella

In acting as described in paragraphs 13 through 14, above, Respondents willfully caused, suffered, permitted, and/or disregarded Section 10130 of the Code.

FAILURE TO SUPERVISE

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

The acts and/or omissions of RAMIREZ as described in Paragraph 16, constitutes failure on the part of RAMIREZ, as designated broker-officer for RRI, to exercise reasonable supervision and control over the licensed activities of RRI as required by Section 10159.2 of the Code and Section 2725 of the Regulations.

GROUND S FOR DISCIPLINE

The acts and/or omissions of Respondents as alleged in the above constitute grounds for the suspension or revocation of all licenses and license rights of Respondents, pursuant to the following provisions of the Code and Regulations:

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1 As to Paragraph 10, under Sections 10177(d) and/or 10177(g) of the Code in
2 conjunction with Section 10176(e);

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

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6 As to Paragraph 12, under Sections 10177(d) and/or 10177(g) of the Code in
7 conjunction with Section 10145 of the Code and Section 2831.2 of the Regulations; and

8 As to Paragraphs 13 through 15, under Sections 10177(d) and/or 10177(g) of the
9 Code in conjunction with Section 10130 of the Code.

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11 The acts and/or omissions of RAMIREZ as alleged in Paragraphs 16 and 17
12 constitute grounds for the suspension or revocation of all licenses and license rights of
13 RAMIREZ under Sections 10177(g) and/or 10177(h) of the Code, and Section 10159.2 of the
14 Code in conjunction with Section 10177(d) of the Code.

15 COST RECOVERY

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

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

25 WHEREFORE, Complainant prays that a hearing be conducted on the
26 allegations of this Accusation and that upon proof thereof, a decision be rendered imposing
27 disciplinary action against all licenses and license rights of Respondent under the Code, for the

1 cost of investigation and enforcement as permitted by law, and for such other and further relief
2 as may be proper under the provisions of law.

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5 RUBEN CORONADO
6 Supervising Special Investigator

7 Dated at Fresno, California,
8 this 10th day of July, 2023

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10 DISCOVERY DEMAND

11 Pursuant to Sections 11507.6, *et seq.* of the *Government Code*, the Department of
12 Real Estate hereby makes demand for discovery pursuant to the guidelines set forth in the
13 *Administrative Procedure Act*. Failure to provide Discovery to the Department of Real Estate
14 may result in the exclusion of witnesses and documents at the hearing or other sanctions that the
15 Office of Administrative Hearings deems appropriate.

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