

**FILED**

AUG 10 2017

BUREAU OF REAL ESTATE

By H. Diaz

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8 BEFORE THE BUREAU OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of:	)	
	)	No. H-6560 SAC
12 TIMOTHY FRANCIS WESLEY and	)	
13 CARLA EILENE MORGAN,	)	
	)	<u>ACCUSATION</u>
14 Respondents.	)	
	)	

15  
16 The Complainant, TRICIA D. PARKHURST, in her official capacity as a  
17 Supervising Special Investigator of the State of California, Bureau of Real Estate ("Bureau"), brings  
18 this Accusation against TIMOTHY FRANCIS WESLEY ("WESLEY") and CARLA EILENE  
19 MORGAN ("MORGAN") (collectively "Respondents"), and is informed and alleges as follows:

20 1

21 WESLEY is presently licensed by the Bureau and/or has license rights under the  
22 Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code ("Code"), as  
23 a real estate broker.

24 2

25 MORGAN is presently licensed by the Bureau and/or has license rights under the  
26 Real Estate Law, Part 1 of Division 4 of the Code, as a real estate broker. MORGAN became  
27 licensed as a broker on or about December 29, 2016.

1 3

2 From August 16, 1988, to December 28, 2016, MORGAN was licensed as a real  
3 estate salesperson.

4 4

5 JULIE MERRIAM ("MERRIAM") is presently licensed by the Bureau and/or has  
6 license rights under the Real Estate Law, Part 1 of Division 4 of the Code, as a real estate  
7 salesperson.

8 5

9 From November 2, 2015, until December 28, 2016, WESLEY was the employing  
10 broker for MORGAN.

11 6

12 From November 2, 2015, until January 2, 2017, WESLEY was the employing  
13 broker for MERRIAM.

14 7

15 On or about October 7, 2015, MORGAN started doing business as CYA Property  
16 Management, LLC ("CYA"). MORGAN was the sole owner of CYA.

17 8

18 MORGAN hired MERRIAM to work for CYA and compensated MERRIAM  
19 through the Company Operating Account. WESLEY had no involvement with the Company  
20 Operating Account.

21 9

22 From on or about October 7, 2015, to May 22, 2017, CYA was not registered with  
23 the Bureau as a fictitious business name.

24 10

25 At all times relevant herein, Respondents engaged in the business of, acted in the  
26 capacity of, advertised or assumed to act as real estate licensees within the State of California within  
27 the meaning of Section 10131(b) of the Code including the operation and conduct of a property

1 management business with the public, wherein, on behalf of others, for compensation or in  
2 expectation of compensation, Respondents leased or rented or offered to lease or rent, and solicited  
3 for prospective tenants of real property or improvements thereon, and collected rents from real  
4 property or improvements thereon.

5 11

6 Beginning on or about June 1, 2016, and continuing through July 18, 2016, an audit  
7 was conducted of the real estate business activities of CYA, located at 4444 Manzanita Ave. Ste. 1,  
8 Carmichael, CA 95608. The auditor examined the business records of CYA for the period of April  
9 1, 2015, through April 30, 2016, ("the audit period").

10 12

11 While acting as real estate licensees as described in Paragraph 10, above, and within  
12 the audit period, Respondents accepted or received funds in trust ("trust funds") and deposited or  
13 caused the trust funds to be deposited into a trust account maintained as follows:

14 Trust Account #1

15 Bank Name: Wells Fargo  
7225 Fair Oaks, Blvd., Carmichael, CA 95608  
16 Account Name: CYA Property Management, LLC  
Real Estate Trust  
17 Account No.: Last 4 Digits: 9304  
18 Signatories: Carla Morgan (RES)  
Description: Handling of Trust Funds

19 13

20 In the course of the real estate broker activities described in Paragraph 10, above,  
21 and during the audit period, it was discovered:

22 (a) WESLEY had not established adequate policies, rules, procedures, and  
23 systems to review, oversee, and inspect handling of trust funds as required by Section 2725, Title 10,  
24 California Code of the Regulations ("Regulations");

25 (b) WESLEY did not register CYA as a fictitious business name with the Bureau  
26 as required under Section 10159.5 of the Code, in conjunction with Section 2731 of the  
27 Regulations;

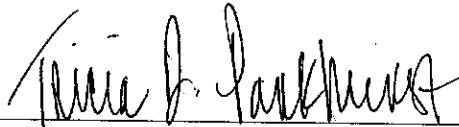


1 COST OF INVESTIGATION AND ENFORCEMENT

2 17

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

7 WHEREFORE, Complainant prays that a hearing be conducted on the allegations of  
8 this Accusation and that upon proof thereof, a decision be rendered revoking all licenses and license  
9 rights of Respondent under the Real Estate Law, for the cost of investigation and enforcement as  
10 permitted by law, for the cost of the audit as permitted by law, and for such other and further relief  
11 as may be proper under other provisions of law.

12   
13 TRICIA D. PARKHURST  
14 Supervising Special Investigator

15  
16 Dated at Sacramento, California,  
17 this 4th day of August, 2017.

18  
19 DISCOVERY DEMAND

20 Pursuant to Sections 11507.6, *et seq.* of the *Administrative Procedure Act*, the  
21 Bureau of Real Estate hereby makes demand for discovery pursuant to the guidelines set forth in the  
22 *Administrative Procedure Act*. Failure to provide Discovery to the Bureau of Real Estate may result  
23 in the exclusion of witnesses and documents at the hearing or other sanctions that the Office of  
24 Administrative Hearings deems appropriate.