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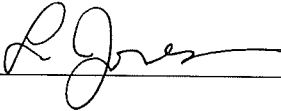
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FILED

September 18, 2013

BUREAU OF REAL ESTATE

By 

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)

THE KEYROSE CORPORATION)
and BENJAMIN KIMSENG NG,)

Respondents.)

No. H-11582 SF

ACCUSATION

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16 The Complainant, ROBIN S. TANNER, a Deputy Real Estate Commissioner of
17 the State of California, for cause of Accusation against THE KEYROSE CORPORATION and
18 BENJAMIN KIMSENG NG (Respondents), is informed and alleges as follows:

19 PRELIMINARY ALLEGATIONS

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21 The Complainant, ROBIN S. TANNER, a Deputy Real Estate Commissioner of
22 the State of California, makes this Accusation in her official capacity.

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

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At all times mentioned, Respondent THE KEYROSE CORPORATION (KEYROSE) was and is licensed by the State of California Bureau of Real Estate (Bureau) as a real estate broker corporation.

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From on or about January 2, 2013, through May 30, 2013, the corporate powers, rights and privileges of KEYROSE were forfeited pursuant to the provisions of the Revenue and Taxation Code.

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At all times mentioned, Respondent BENJAMIN KIMSENG NG (NG) was and is licensed by the Bureau individually as a real estate broker, and as the designated broker officer of KEYROSE. As said designated officer-broker, NG 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 KEYROSE for which a license is required.

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

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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 real estate brokers in the State of California, within the meaning of Section 10131(a) of the Code, including the operation and conduct of a real estate resale brokerage with the public wherein, on behalf of others, for compensation or in expectation of compensation, Respondents 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.

FIRST CAUSE OF ACTION

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Each and every allegation in Paragraphs 1 through 7, inclusive, is incorporated by this reference as if fully set forth herein.

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Beginning on or about January 2, 2013, and continuing through May 30, 2013, KEYROSE, while forfeited by the Secretary of State, in the course of the real estate resale brokerage activities described in Paragraph 7, negotiated and arranged the purchase and sale of real property, including but not necessarily limited to:.

PROPERTY OWNER

PROPERTY ADDRESS

Maria L. and Fernandez L.
Daniel V.

2432 Stella Court, Antioch
900 Cambridge Drive Unit 8, Benecia

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The facts alleged in Paragraph 9 are grounds for the suspension or revocation of the licenses of KEYROSE under Section 2742(c) of the Commissioner's Regulations (Title 10 of the California Code of Regulations) (Regulations) in conjunction with 10177(d) of the Code.

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SECOND CAUSE OF ACTION

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Each and every allegation in Paragraphs 1 through 10, inclusive, is incorporated by this reference as if fully set forth herein.

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NG, on behalf of KEYROSE, submitted a renewal application to the Bureau of Real Estate of the State of California for a real estate corporate officer license on or about March 22, 2013.

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In response to Question 17 of said application, to wit: "Is the corporation currently in good standing with the Office of the Secretary of State?", NG answered "yes".

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Respondent's failure to disclose the corporate license forfeiture by the Secretary of State Office set forth in Paragraph 4 in said application constitutes the procurement of a real estate license by fraud, misrepresentation, or deceit, or by making a material misstatement of fact in said application, which is grounds for the suspension or revocation of Respondents licenses under Section 10177(a) of the Code.

THIRD CAUSE OF ACTION

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Each and every allegation in Paragraphs 1 through 14, inclusive, is incorporated by this reference as if fully set forth herein.

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Respondent NG failed to exercise reasonable supervision over the acts of KEYROSE in such a manner as to allow the acts and events described the First and Second Cause of Actions to occur.

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

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The facts described above as to the Third Cause of Accusation constitute cause for the suspension or revocation of the licenses and license rights of NG 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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Section 10106 of the Code provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Bureau, 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.


PRIOR DISCIPLINARY ACTION

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Effective September 26, 2011, in Case No. H-11081 SF before the Bureau of Real Estate, the Real Estate Commissioner suspended the real estate broker licenses of Respondents for 160-days, stayed upon terms and conditions set forth in the Order, for KEYROSE's violation of Section 10177(d) of the Code in conjunction with Sections 10085, 10085.6, 10146, 10145, 10176(e), and 10160 of the Code and Sections 2970, 2972, 2832, 2831, 2831.1, 2831.2, 2834, 2753, and 2726 of the Regulations, and NG's violations of Section 10177(h) of the Code.

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

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8 ROBIN S. TANNER
9 Deputy Real Estate Commissioner

10 Dated at Oakland, California,
11 this 16th day of September, 2013

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13 DISCOVERY DEMAND

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