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BUREAU OF REAL ESTATE
By H. Diaz

8 BEFORE THE BUREAU OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 TINA YING,)
13 Respondent.)

No. H-12189 SF
ACCUSATION

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15 The Complainant, ROBIN S. TANNER, a Supervising Special Investigator of the
16 State of California, for Accusation against Respondent TINA YING (YING), is informed and
17 alleges as follows:

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19 The Complainant makes this Accusation against Respondent in her official
20 capacity.

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22 YING, from and since October 11, 2016 was/is presently licensed and/or has
23 license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and
24 Professions Code (Code) by the Bureau of Real Estate (Bureau) as a real estate broker and
25 before that, was a real estate salesperson since 1999. YING conducted business under the name
26 NCREI.

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At no time herein mentioned, was NCREI licensed as a fictitious business name with the Bureau.

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At all times herein mentioned, YING 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 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, YING leased or rented or offered to lease or rent, or placed for rent, or solicited listings of places for rent or solicited for prospective tenants, or negotiated the sale, purchase or exchange of leases on real property, or on a business opportunity, or collected rents from tenants.

FIRST CAUSE OF ACTION

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Complainant refers to Paragraphs 1 through 4, above, and incorporates the same, herein, by reference.

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YING represented that she was a property manager through, but not limited, to her business cards, property management agreements and leases.

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On or about January 1, 2016, YING entered into a Property Management Agreement with Yi Yun H. and Amy S., owners of that certain real property commonly known as 325 Walker Drive, Mountain View, California. (Walker Property).

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On or about June 1, 2014, YING entered into a Property Management Agreement with Stephanie C., owner of that certain real property commonly known as 1685 Maubert Court, San Leandro, California. (Maubert Property).

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On or about June 1, 2014, YING entered into a Property Management Agreement with Stephanie C., owner of that certain real property commonly known as 5300 Ridgeview Court, El Sobrante, California. (Ridgeview Property).

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During the course of performing property management activities for the properties set forth above, YING screened tenants, signed leases, negotiated property management agreements, collected rents, paid expenses and made owner payments for management fees.

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The acts and/or omissions described above constitute violations of Sections 10131(b) (property management) and 10176(a) (misrepresentation), and are grounds for discipline under Sections 10176(a) and 10177(d) (violate real estate law) of the Code.

SECOND CAUSE OF ACTION

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Complainant refers to Paragraphs 1 through 11, above, and incorporates the same, herein, by reference.

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During the course of providing property management services for the Walker Property, referenced in Paragraph 6, above, YING failed to refund the \$4,000.00 security deposit to the tenants after they vacated the property.

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The tenants from the Walker Property sued YING and the owners in Small Claims Court and won a judgment in the amount of \$10,000.00, which included the \$4,000.00 security deposit and \$6,000.00 in bad faith damages.

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The acts and/or omissions described above constitute violations of Section 10176(a) of the Code and are grounds for discipline under Section 10176(a) of the Code.

1 THIRD CAUSE OF ACTION

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3 Complainant refers to Paragraphs 1 through 15, above, and incorporates the
4 same, herein, by reference.

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6 In the course of performing property management activities for the Maument
7 Property as referenced in Paragraph 7, above, YING deducted thousands of dollars from rent
8 receipts for maintenance and repairs, without providing any invoices or detailed information to
9 the owners.

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11 After demand was made by the owners of the Maument Property for an
12 accounting, YING provided some invoices from various handymen, who did not hold
13 contractor's licenses.

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15 The acts and/or omissions described above constitute violations of Section
16 10176(a) of the Code and are grounds for discipline under Sections 10176(a), 10177(d) and
17 10177(g) of the Code.

18 FOURTH CAUSE OF ACTION

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20 Complainant refers to Paragraphs 1 through 19, above, and incorporates the
21 same, herein, by reference.

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23 Beginning on April 11, 2017, and continuing intermittently through April 25,
24 2017, an audit was conducted at YING's office located at 18488 Prospect Road, Suite 10,
25 Saratoga, California, where the auditor examined records for the period of January 1, 2015,
26 through February 28, 2017 (the audit period).

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While acting as a real estate broker as described in Paragraph 4, above, and within the audit period, YING accepted or received funds in trust (trust funds) from or on behalf of property owners, lessees and others in connection with property management activities, deposited or caused to be deposited those funds into bank accounts maintained by YING, at Bank of America, P.O. Box 25118, Tampa, Florida, as described below:

BANK ACCOUNT #1	
Account No.:	XXXXXXXXXX6215
Entitled:	Dbas New Century Real Estate & Investment Tina Ying Sole Prop

and thereafter from time-to-time made disbursement of said trust funds.

In the course of the activities described in Paragraph 4, in connection with the collection and disbursement of trust funds, it was determined that:

(a) YING failed to designate Bank Account #1 as a trust account as required by Section 2832 of Chapter 6, Title 10, California Code of Regulations (Regulations) and Section 10145 of the Code;

(b) YING used an unlicensed fictitious business name, NCREI, in violation of Section 2731 of the Regulations and Section 10159.5 of the Code; and

(c) TING engaged in unlicensed property management activities for the properties set forth below, in violation of Section 10131 of the Code:

<u>Property Owner</u>	<u>Address</u>	<u>Date Agreement Signed</u>
Yi-Yun H./Amy S.	3125 Walker Dr., Mountain View	Jan. 1, 2016
Qing G./Mingjiu J.	30 Rain Walk, Milpitas	Nov. 19, 2015
Xiaomin S./Xin X.	5863 Tompkins Dr. San Jose	June 15, 2016
Kevin/Linda K.	49962 Charleston Way, Fremont	June 20, 2016
Fei X./Yi Z.	6990 Chantel Ct. San Jose	July 29, 2013

1 The acts and/or omissions described above constitute violations of Sections 2731
2 (fictitious business name) and 2832 (trust fund designation) of the Regulations and of Section
3 10145 (trust fund handling) of the Code, and are grounds for discipline under Sections 10177(d)
4 and 10177(g) (negligence/incompetence licensee) of the Code.

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6 Section 10106 of the Code provides, in pertinent part, that in any order issued
7 in resolution of a disciplinary proceeding before the Bureau, the commissioner may request the
8 administrative law judge to direct a licensee found to have committed a violation of this part to
9 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case

10 Audit Costs

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12 The acts and/or omissions of YING as alleged above, entitle the Bureau to
13 reimbursement of the costs of its audits pursuant to Section 10148(b) (audit costs for trust fund
14 handling violations) of the Code.

15 WHEREFORE, Complainant prays that a hearing be conducted on the
16 allegations of this Accusation and that upon proof thereof a decision be rendered imposing
17 disciplinary action against all licenses and license rights of Respondents under the Real Estate
18 Law (Part 1 of Division 4 of the Business and Professions Code), and for such other and further
19 relief as may be proper under other provisions of law.

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21 _____
22 ROBIN S. TANNER
23 Supervising Special Investigator

24 Dated at Oakland, California,

25 this 11th day of January, 2018.

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DISCOVERY DEMAND

The Bureau of Real Estate hereby requests discovery pursuant to Section 11507.6 of the California Government Code. Failure to provide discovery to the Bureau may result in the exclusion of witnesses and/or documents at the hearing, and other sanctions as the Administrative Law Judge deems appropriate.