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**FILED**

**MAY 25 2018**

**BUREAU OF REAL ESTATE**

By B. Nicholas

8 **BEFORE THE BUREAU OF REAL ESTATE**

9 **STATE OF CALIFORNIA**

10 \* \* \*

11 In the Matter of the Accusation of )

12 CYNTHIA GREELY, )

13 Respondent. )

No. H-12249 SF

ACCUSATION

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

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19 The Complainant, ROBIN S. TANNER, a Supervising Special Investigator of the  
20 State of California, makes this Accusation in her official capacity.

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22 Respondent is presently licensed and/or has license rights under the Real Estate  
23 Law, Part 1 of Division 4 of the Business and Professions Code (Code).

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25 At all times mentioned, Respondent was and is licensed by the Bureau as a real  
26 estate broker.

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At all times mentioned, Respondent 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 Sections 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, Respondent leased or rented and offered to lease or 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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On or about September 12, 2017 through October 3, 2017, an audit was conducted of the records of Respondent. The auditor herein examined the records for the period of July 1, 2016, through August 31, 2017.

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

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The trust funds accepted or received by Respondent as described in Paragraph 5 were deposited or caused to be deposited by Respondent into trust accounts which were maintained by Respondent for the handling of trust funds, and thereafter from time-to-time Respondent made disbursements of said trust funds, identified as follows:

ACCOUNT # 1	
Bank Name and Location:	Bank of America Wilmington, DE

1 Account No.:	XXXX-XXXX-7580
2 Entitled:	Clifton Greely
3	Greely Realty Broker Trust Account

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5 In the course of the activities described in Paragraph 5, Respondent:

6 (a) failed to deposit trust funds into one or more trust funds accounts in the  
7 name of Respondent as trustee at a bank or other financial institution, in conformance with  
8 Section 10145 of the Code and Section 2832 of the Regulations;

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

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

15 (d) failed to reconcile the balance of separate beneficiary or transaction  
16 records with the control record of trust funds received and disbursed at least once a month, and/or  
17 failed to maintain a record of such reconciliations for Account #1 as required by Section 2831.2  
18 of the Regulations;

19 (e) commingled with her own money or property, the money or property of  
20 others which was received or held by Respondent in Account #1 in violation of Section 10176(e)  
21 of the Code; and

22 (f) failed to obtain a written agreement with real estate salesperson Hsiuli  
23 Michelle Lin, in violation of Section 2726 of the Regulations.

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

1 As to Paragraph 8(a), under Sections 10177(d) and/or 10177(g) of the Code in  
2 conjunction with Section 10145 of the Code and Section 2832 of the Regulations;

3 As to Paragraph 8(b), under Sections 10177(d) and/or 10177(g) of the Code in  
4 conjunction with Section 2831 of the Regulations;

5 As to Paragraph 8(c), under Sections 10177(d) and/or 10177(g) of the Code in  
6 conjunction with Section 2831.1 of the Regulations;

7 As to Paragraph 8(d), under Sections 10177(d) and/or 10177(g) of the Code in  
8 conjunction with Section 2831.2 of the Regulations;

9 As to Paragraph 8(e), under Sections 10176(e) of the Code; and

10 As to Paragraph 8(f), under Sections 10177(d) and/or 10177(g) of the Code in  
11 conjunction with Section 2726 of the Regulations.

12 COST RECOVERY

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14 The acts and/or omissions of Respondent as alleged above, entitle the Bureau to  
15 reimbursement of the costs of its audit pursuant to Section 10148(b) (audit costs for trust fund  
16 handling violation) of the Code.

17 11

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

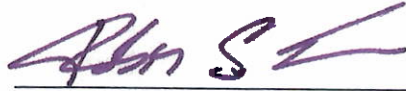
22 WHEREFORE, Complainant prays that a hearing be conducted on the allegations  
23 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary  
24 action against all licenses and license rights of Respondent under the Code, for the cost of

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

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4 ROBIN S. TANNER  
5 Supervising Special Investigator

6 Dated at Oakland, California,  
7 this 22<sup>nd</sup> day of May, 2018

8 **DISCOVERY DEMAND**

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

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