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FILED

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DEPARTMENT OF REAL ESTATE
By B. Nicholas

9 BEFORE THE DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)
13 CYNTHIA GREELY,) No. H-12555 SF
14 Respondent.) ACCUSATION

15 The Complainant, STEPHANIE YEE, 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, STEPHANIE YEE, 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 prior to November 20, 2018, Respondent was and is licensed by the
26 Department as a real estate broker. At all times after to November 20, 2018, Respondent was
27 and is licensed by the Department as a restricted real estate broker.

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1 Effective November 20, 2018, in Case No. H-12249 SF before the Department,
2 the Real Estate Commissioner revoked the real estate broker license of Respondent, for
3 violation of Sections 10177(d), 10177(g), and 10145 of the Code, but granted Respondent the
4 right to a restricted real estate broker license, on terms, conditions, and restrictions set forth in
5 the Order.

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7 At all times mentioned, Respondent engaged in the business of, acted in the
8 capacity of, advertised, or assumed to act as a real estate broker within the State of California
9 within the meaning of Sections 10131(b) of the Code, including the operation and conduct of a
10 property management business with the public wherein, on behalf of others, for compensation or
11 in expectation of compensation, Respondent leased or rented and offered to lease or rent, and
12 solicited for prospective tenants of real property or improvements thereon, and collected rents
13 from real property or improvements thereon.

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15 On or about January 29, 2020 through January 30, 2020, an audit was conducted
16 of the records of Respondent. The auditor herein examined the records for the period of
17 December 1, 2018 through December 31, 2019.

18 6

19 While acting as a real estate broker as described in Paragraph 4, Respondent
20 accepted or received funds in trust (trust funds) from or on behalf of owners and tenants in
21 connection with the leasing, renting, and collection of rents on real property or improvements
22 thereon, as alleged herein, and thereafter from time-to-time made disbursements of said trust
23 funds.

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25 The trust funds accepted or received by Respondent as described in Paragraph 6
26 were deposited or caused to be deposited by Respondent into trust accounts which were

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1 maintained by Respondent for the handling of trust funds, and thereafter from time-to-time
2 Respondent made disbursements of said trust funds, identified as follows:

ACCOUNT # 1	
Bank Name and Location:	Bank of America Wilmington, DE
Account No.:	XXXX-XXXX-8817
Entitled:	DBA Greely Realty Cynthia M Greely Sole Prop Trust Account

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11 In the course of the activities described in Paragraph 6, Respondent:

12 (a) failed to reconcile the balance of separate beneficiary or transaction
13 records with the control record of trust funds received and disbursed at least once a month, and/or
14 failed to maintain a record of such reconciliations for Account #1 as required by Section 2831.2
15 of Title 10, Chapter 6, California Code of Regulations (Regulations);

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

19 (c) failed to deposit trust funds in to Account #1 not later than three business
20 days following receipt of the funds, as required by Section 2832 of the Regulations; and

21 (d) caused, permitted, and/or allowed, the possible withdrawal of trust funds
22 from Account #1, by a person, Felicia Greely, who was not licensed by the Department and not
23 an employee covered by a fidelity bond in violation of Section 2834 of the Regulations.
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The acts and/or omissions of Respondent as alleged above constitute grounds for the suspension or revocation of all licenses and license rights of Respondent, pursuant to the following provisions of the Code and Regulations:

As to Paragraph 8(a), under Sections 10177(d) and/or 10177(g) of the Code in conjunction with Section 10145 of the Code and Section 2831.2 of the Regulations;

As to Paragraph 8(b), under Sections 10177(d) and/or 10177(g) of the Code in conjunction with Section 10145 of the Code and Section 2831.1 of the Regulations;

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

As to Paragraph 8(d), under Sections 10177(d) and/or 10177(g) of the Code in conjunction with Section 10145 of the Code and Section 2834 of the Regulations;

COST RECOVERY

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

Section 10106 of the Code provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Department, 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.

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary 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.



STEPHANIE YEE
Supervising Special Investigator

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6 Dated at Oakland, California,
7 this 14th day of September, 2021

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21 DISCOVERY DEMAND

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