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FILED

JAN 28 2016

BUREAU OF REAL ESTATE

B. *[Signature]*

8 **BEFORE THE BUREAU OF REAL ESTATE**

9 **STATE OF CALIFORNIA**

10 * * *

11 In the Matter of the Accusation of

12 CH MARKET CENTER INC.;

13 JAMES T. DUNKELMAN, individually
14 and as former designated officer of
15 CH Market Center Inc.;

16 LUIS WEI-YUAN HONG, individually
17 and as designated officer of
18 CH Market Center Inc.; and

19 SHARON FAYE BURT,

20 Respondents.

No. H- 40119 LA

ACCUSATION

21 The Complainant, Maria Suarez, a Supervising Special Investigator of the State of
22 California, for cause of Accusation against CH MARKET CENTER INC.; JAMES T.
23 DUNKELMAN; LUIS WEI-YUAN HONG; and SHARON FAYE BURT, alleges as follows:

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27 CalBRE Accusation – CH Market Center Inc. et al.

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1.

The Complainant, Maria Suarez, a Supervising Special Investigator of the State of California, makes this Accusation in her official capacity.

2.

All references to the "Code" are to the California Business and Professions Code and all references to "Regulations" are to Title 10, Chapter 6, California Code of Regulations.

RESPONDENT CH MARKET CENTER INC.

3.

Respondent CH MARKET CENTER INC. (hereinafter "CHMCI" or "Respondent CHMCI"), is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Code) as a real estate corporation, license ID 01885348. Respondent CHMCI was originally licensed as a real estate corporation by the Bureau (then "Department") of Real Estate (hereinafter "Bureau" or "BRE") on or about August 3, 2010.

4.

Respondent CHMCI holds two registered DBAs under its BRE license: (1) Keller Williams Chino Hills and (2) Tri Valley Escrow "a non-independent broker escrow." CHMCI's mailing and main office address of record on file with the BRE are the same: 15335 Fairfield Ranch Rd., Suite 100, Chino Hills, CA 91709. CHMCI has one branch office of record on file with the BRE: 41693 Big Bear Blvd., Big Bear Lake, CA 92315. As of January 21, 2016, CHMCI employs one hundred and nine (109) salespersons.

5.

From August 3, 2010 to January 16, 2013, CHMCI's designated officer of record was Timothy John Brigham, BRE license ID NO. 01346502. From January 16, 2013 to May 2, 2014, CHMCI's designated officer of record was JAMES T. DUNKELMAN. From May 2, 2014 through the present, CHMCI's designated officer of record is LUIS WEI-YUAN HONG.

1 filed a Certificate of Amendment of Articles of Incorporation, signed by BURT as its President
2 and Secretary. On or about October 5, 2013, PTSI filed another Statement of Information and
3 indicated there have been no changes in any of the information contained in the last Statement of
4 Information of April 20, 2010. PTSI is not, and has never been, licensed by the Bureau in any
5 capacity.

6 LICENSED ACTIVITIES

7 13.

8 At all times mentioned, Respondent CHMCI acted as a real estate broker within
9 the state of California, and participated in activities requiring a real estate license pursuant to
10 Business and Professions Code Section 10131.

11 CAUSES OF ACTION/ GROUNDS FOR DISCIPLINE

12 Unlicensed Activities and Unlawful Compensation

13 14.

14 The Elysian Property

15 A. On or about November 26, 2012, BURT was contacted by listing agent (E.
16 Lanza of Keller Williams (or "Keller Williams Realty, Big Bear") for the short sale of real
17 property located at 732 Elysian Boulevard, Big Bear City, CA 92314 (hereinafter "the Elysian
18 property") and asked by Lanza to take over in negotiations with the lender. BURT responded
19 and had the file transferred to her on or about December 28, 2012.

20 B. BURT worked on the Elysian property short sale transaction between
21 November 28, 2012 and February 20, 2013.

22 C. On or about February 2, 2013, BURT sent an e-mail to Lanza from her email
23 account sharonburt@platinumtransactionservices.com with an invoice (hereinafter "the Elysian
24 property invoice") on PTSI letterhead "for short sale negotiations – 1 loan" with instructions to
25 make checks payable to "Platinum Transaction Services, Inc. Attn: SHARON BURT."

1 Additionally, the e-mail that accompanied the Elysian property invoice specified that the \$500.00
2 was “to be paid from listing agents commission at close of escrow”

3 D. On or about February 20, 2013, Tri Valley Escrow, Escrow Account issued
4 check number 1246 in the amount five hundred dollars (\$500.00) payable to “Platinum
5 Transaction Services, Inc. SHARON BURT.”

6 D. In negotiating the Elysian property short sale transaction, Respondent
7 **SHARON FAYE BURT** acted as a real estate broker and ordered, caused, authorized or
8 participated in conducting licensed activities which require a real estate broker license under
9 Code Sections 10131(d) and 10131.2, during a period of time when she was not licensed by the
10 Bureau as a real estate broker, in violation of **Code Sections 10130 and 10166.02.**

11 E. Respondent **CHMCI**’s issuance of check number 1246 from the Tri Valley
12 Escrow Account to SHARON BURT for the performance of licensed activities which require a
13 real estate broker license, when BURT was not in fact properly licensed as a real estate broker, is
14 a violation of **Code Section 10137.**

15 15.

16 The Orange Park Property

17 A. On or about December 31, 2013, Vinita A. signed a “Third-Party Authorization
18 Form” and authorized BURT, “Short Sale Negotiator – Platinum Transaction Services” to
19 communicate with her mortgage loan servicer, Ocwen, regarding her real property located at
20 163 Orange Park, Redlands, CA 92374 (hereinafter “Orange Park property”).

21 B. On or about February 10, 2014, Vinita A. signed a “Seller’s Authorization
22 Letter” and authorized BURT “and personnel of Platinum Transaction Services, Inc.” to
23 communicate with Ocwen to facilitate the sale of her Orange Park property.

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1 C. On or about February 12, 2014, BURT sent a letter on behalf of Vinita A. on
2 PTSI letterhead to Ocwen with a short sale offer; BURT signed the letter as "SHARON FAYE
3 BURT, Short Sale Negotiator."

4 D. On or about May 12, 2014, Keller Williams Chino Hills 07-10/CH MARKET
5 CENTER, INC. issued check number 6666 in the amount of one thousand six hundred fifty-three
6 dollars and seventy-five cents (\$1,653.75) payable to "Platinum Transaction Services." The
7 Greensheet: Contract to Close worksheets for the Orange Park property transaction attribute
8 "SS Negotiating (-) \$826.88" to Associate A, P. Laughery, Listing Specialist and "SS
9 Negotiating (-) \$826.87 to Associate B., A. Laughery, Listing Specialist; these "SS Negotiating"
10 fees totalled \$1,653.75.

11 E. In negotiating the Orange Park property short sale transaction, Respondent
12 **SHARON FAYE BURT** acted as a real estate broker and ordered, caused, authorized or
13 participated in conducting licensed activities which require a real estate broker license under
14 Code Sections 10131(d) and 10131.2, during a period of time when she was not licensed by the
15 Bureau as a real estate broker or as a mortgage loan originator, in violation of **Code Sections**
16 **10130 and 10166.02.**

17 F. Respondent **CHMCT**'s issuance of check number 6666 from the Keller
18 Williams Chino Hills 07-10/CH MARKET CENTER, INC. account to Platinum Transaction
19 Services for the performance of licensed activities which require a real estate broker license,
20 when Platinum Transaction Services and BURT were not in fact properly licensed as real estate
21 brokers, is a violation of **Code Section 10137.**

22 16.

23 The Yale Property

24 A. On or about September 6, 2013, Angelina B. signed a "Short Sale Third-Party
25 Authorization Form" on Bank of America letterhead and authorized BURT and Patricia
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1 Laughery of Keller Williams Realty, the selling agent “to act as designated representatives
2 authorized to negotiate with Bank of America in the short sale of her real property located at
3 1979 E. Yale St., #41, Ontario, CA 91764 (hereinafter “Yale property”). Included on this form
4 “Short Sale Third-Party Authorization Form” was a “Designated Representative
5 Acknowledgement,” which BURT signed and effectively represented to Bank of America that
6 she is a licensed real estate agent and that she has “all licenses, permits or authorizations required
7 by state or federal law to perform the duties...in connection with the short sale...”

8 B. BURT worked on the negotiations with Bank of America on the short sale of
9 the Yale property between September 10, 2013 and November 14, 2013.

10 C. On or about November 15, 2013, Keller Williams Chino Hills 07-10/CH
11 MARKET CENTER, INC. issued check number 6429 in the amount of one thousand four
12 hundred dollars (\$1,400.00) payable to “Platinum Transaction Services.”

13 D. By signing the September 6, 2013 “Designated Representative
14 Acknowledgement” Respondent **SHARON FAYE BURT** made substantial misrepresentations
15 regarding her possession of proper licensure to perform the duties connected with the Yale
16 property short sale, a violation of **Code Section 10176(a)**.

17 E. In negotiating the Yale property short sale transaction, Respondent **SHARON**,
18 **FAYE BURT** acted as a real estate broker and ordered, caused, authorized or participated in
19 conducting licensed activities which require a real estate broker license under Code Sections
20 10131(d) and 10131.2, during a period of time when she was not licensed by the Bureau as a real
21 estate broker or as a mortgage loan originator, in violation of **Code Sections 10130 and**
22 **10166.02**.

23 F. Respondent **CHMCI**’s issuance of check number 6429 from the Keller
24 Williams Chino Hills 07-10/CH MARKET CENTER, INC. account to Platinum Transaction
25 Services for the performance of licensed activities which require a real estate broker license,
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1 when Platinum Transaction Services and BURT were not in fact properly licensed as real estate
2 brokers, is a violation of **Code Section 10137**.

3 17.

4 The San Marcos Property

5 A. On or about February 14, 2014, Steven O. signed an "Authorization to Receive
6 and Convey Information and authorized Keller Williams Realty, LUIS HONG, Kyle McAllister,
7 and SHARON FAYE BURT to receive and convey information from and to his lender,
8 America's Servicing Company and from and to his secondary lender, Citibank, with respect to
9 the short sale of his real property located at 13344 San Marcos Place, Chino, CA 91710
10 (hereinafter "the San Marcos property").

11 B. BURT worked on negotiations with America's Servicing Company on the
12 short sale of the San Marcos property between February 27, 2014 and June 9, 2014.

13 C. On or about June 10, 2014, Platinum Transaction Services, Inc. issued an
14 invoice on PTSI letterhead to LUIS HONG, Keller Williams Realty "for short sale negotiations:
15 sales price \$365,000 x 3.5% = \$13,125.00 x 20% (two loans, two lenders) = \$2,625.00" with
16 instructions to make checks payable to "Platinum Transaction Services, Inc. Attn: SHARON
17 BURT." Additionally, the invoice included a line for the real estate broker to date and sign in
18 acknowledgment that the invoice was "Approved for payment from Listing/Selling Agents
19 commission at close of escrow."

20 D. On or about June 10, 2014, Tri Valley Escrow, Escrow Trust Account issued
21 check number 287 in the amount of two thousand six hundred and twenty-five dollars
22 (\$2,625.00) payable to "Platinum Transaction Services, Inc.," in response to the invoice
23 addressed to HONG/Keller Williams for short sale negotiations on the San Marcos property.

24 E. In negotiating the San Marcos property short sale transaction, Respondent
25 **SHARON FAYE BURT** acted as a real estate broker and ordered, caused, authorized or
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1 participated in conducting licensed activities which require a real estate broker license under
2 Code Sections 10131(d) and 10131.2, during a period of time when she was not licensed by the
3 Bureau as a real estate broker or as a mortgage loan originator, in violation of **Code Sections**
4 **10130 and 10166.02.**

5 F. Respondents **LUIS WEI-YUAN HONG** and **CHMCI**'s issuance of check
6 number 287 from the Tri Valley Escrow, Escrow Trust Account to Platinum Transaction
7 Services, Inc. for the performance of licensed activities which require a real estate broker license,
8 when BURT and PTSI were not in fact properly licensed as real estate brokers, is a violation of
9 **Code Section 10137.**

10 18.

11 Non-Disclosure of Licensed Status in Advertising

12 A. CHMCI advertised its real estate services as Chino Hills Market Center and
13 Keller Williams Chino Hills Market Center on the internet at:
14 <http://chinohills.yourworkoffice.com> (hereinafter "the CH website") and at
15 <http://kwchinohillsrealestate.com> (hereinafter "the KW website"). Included on the KW website
16 is a list of CHMCI's associates, along with links to each their respective websites. According to
17 a June 2, 2015 printout, Respondent **CHMCI**'s KW website's list of CHMCI associates does not
18 include BRE license identification numbers for each associate, in violation of **Code Section**
19 **10140.6 and Regulation 2773.**

20 B. Respondent **LUIS WEI-YUAN HONG** advertised his real estate services on
21 the internet at <http://luishongteam.yourworkagent.com> (hereinafter "the HONG website").
22 According to a June 2, 2015 printout, the HONG website does not include his BRE license
23 identification number, in violation of **Code Section 10140.6 and Regulation 2773.**

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Unlicensed Fictitious Name

At all times mentioned herein, Respondent **CHMCI** used the unlicensed fictitious business names "CH Market Center Inc. Big Bear," "Chino Hills Market Center," "Keller Williams Realty Chino Hills," "Keller Williams Realty," and "Keller Williams Realty, Big Bear" without first obtaining a license from the Bureau bearing such fictitious business names, in violation of **Code Section 10159.5 and Regulation 2731**.

20.

Unlawful Employment or Payment of Compensation

In communications with BRE Special Investigator (hereinafter "SI") William Pak between August 2014 and November 2014, Respondents **LUIS WEI-YUAN HONG** and **JAMES T. DUNKELMAN** indicated their awareness that: 1) Respondent BURT performed short sale negotiation services under Platinum Transaction Services, Inc. (PTSI) since 2010; 2) BURT is the only employee of PTSI; 3) neither BURT nor PTSI operated under the authority of a license issued by a California agency or under an exemption from California real estate licensing laws; and 4) BURT as PTSI provided transaction coordination and short sale negotiation services for which they were compensated by real estate agents out of the hiring listing agent's commission, at a rate of fifteen percent (15%) to twenty percent (20%), depending on the number of lenders involved in the negotiation.

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According to Respondent HONG's letter of November 28, 2014, BURT as PTSI completed twenty (20) short sale transactions within a two-year period. According to Respondent DUNKELMAN's undated letter response to SI Pak, BURT completed nineteen (19) short sale negotiations during DUNKELMAN's tenure as CHMCI's designated officer. Respondent HONG provided an Internal Revenue Service Form 1099-MISC issued by Keller Williams Realty to PTSI for non-employee compensation totaling \$12,891.75 in 2013. Respondent HONG also provided the following check stubs for eight (8) disbursements made to PTSI in 2013 totaling \$12,891.75:

Check Number	Date	Amount	Property Address
5996	03/31/13	\$ 822.00	14607 Erwin Street
6021	04/16/13	\$ 2,625.00	15243 Green Valley Drive
6052	05/13/13	\$ 2,800.00	8609 Cedano Lane
6122	06/27/13	\$ 711.00	3118 Hadley Drive
6176	07/25/13	\$ 1,942.50	443 South Walnut Avenue
6403	11/13/13	\$ 1,893.75	11383 Telephone Avenue
(by other escrow)	~02/25/13	\$ 697.50	40099 Lakeview
6429	11/15/13	\$ 1,400.00	1979 East Yale Street
Total disbursed to PTSI		\$12,891.75	

Respondent CHMCI's issuance of disbursements totaling \$12,891.75 to BURT as PTSI for the performance of licensed activities which require a real estate broker license, when BURT and PTSI were not in fact properly licensed as a real estate broker, is a violation of **Code Section 10137.**

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1 22.

2 Responsibility of Corporate Officer – Failure to Supervise

3 The acts and/or omissions of Respondents JAMES T. DUNKELMAN and LUIS
4 WEI-YUAN HONG, as described in Paragraphs 14. through 21, above, demonstrate a failure to
5 adequately supervise the real estate activities of CH MARKET CENTER INC. Respondents
6 DUNKELMAN AND HONG failed to establish policies, rules, procedures and systems to
7 review, oversee, inspect and manage CHMCI, its salespersons, brokers, and employees and their
8 real estate activities. These acts and/or failures to act constitute grounds for the suspension or
9 revocation of the licenses and license rights of Respondents DUNKELMAN AND WANG under
10 the provisions of **10159.2 and 10177(h) and Regulation 2725.**

11 Additional Violations of the Real Estate Law

12 23.

13 The overall conduct of Respondents are violative of the Real Estate Law and
14 constitute cause for the suspension or revocation of the real estate licenses and license rights of
15 CH MARKET CENTER INC., JAMES T. DUNKELMAN, LUIS WEI-YUAN HONG, and
16 SHARON FAYE BURT under the provisions of **Code Sections 10177(g)** for negligence and
17 **10177(d)** for violation of the Real Estate Law.

18 COSTS

19 24.

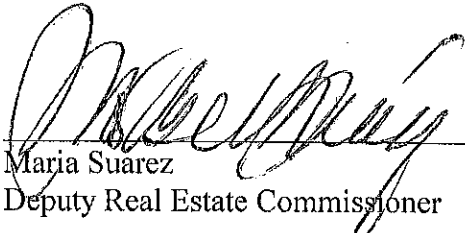
20 Code Section 10106 provides, in pertinent part, that in any order issued in resolution
21 of a disciplinary proceeding before the Bureau of Real Estate, the Commissioner may request the
22 administrative law judge to direct a licensee found to have committed a violation of this part to
23 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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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 the licenses and license rights of Respondents CH MARKET CENTER INC.,
4 JAMES T. DUNKELMAN, LUIS WEI-YUAN HONG, and SHARON BURT under the Real
5 Estate Law (Part 1 of vision 4 of the Business and Professions Code), for the cost of investigation
6 and enforcement as permitted by law, and for such other and further relief as may be proper
7 under other provisions of law.

8 Dated at Los Angeles, California
9 this 26th day of January, 2016.

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12 Maria Suarez
13 Deputy Real Estate Commissioner
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23 cc: CH Market Center Inc.
24 James T. Dunkelman
25 Luis Wei-Yuan Hong
26 Sharon Faye Burt
27 Sacto.

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