rî.				
1	Amalia V. Viatuana CDNI 124610			
2	Amelia V. Vetrone, SBN 134612 Bureau of Real Estate			
3	320 West 4th Street, Ste. 350 Los Angeles, California 90013-1105			
4	Telephone: (213) 576 6082			
5	Direct: (213) 576-6940 BUREAU OF REAL ESTATE			
6	By Stalet			
7				
. 8	BEFORE THE BUREAU OF REAL ESTATE			
9	STATE OF CALIFORNIA			
10	* * *			
11	In the Matter of the Accusation of) No. H-40395 LA			
12	THOMAS DAO, $ACCUSATION$			
13	$\begin{array}{c} A C C C S A T C M \\ Respondent. \end{array}$			
14				
15	The Complainant, Maria Suarez, a Supervising Special Investigator of the State			
16	of California, acting in her official capacity, for cause of Accusation against THOMAS DAO			
17	("Respondent") is informed and alleges as follows:			
18	1.			
19	All references to the "Code" are to the California Business and Professions			
20	Code, all references to the "Real Estate Law" are to Part 1 of Division 4 of the Code, and all			
21 22	references to "Regulations" are to Title 10, Chapter 6, California Code of Regulations.			
22	2. Respondent THOMAS DAO has been licensed by the Dynamic CD and Division			
24	Respondent THOMAS DAO has been licensed by the Bureau of Real Estate			
25	("Bureau") as a real estate salesperson since April 14, 1987, and as a real estate broker since August 3, 1990, Respondent's real estate broker license is due to expire on August 2, 2018			
26	August 3, 1990. Respondent's real estate broker license is due to expire on August 2, 2018.			
27				
	-1-			
	ACCUSATION AGAINST THOMAS DAO			

1 3. 2 At all times mentioned, in the City of Westminster, County of Los Angeles, 3 Respondent engaged in the business of, acted in the capacity of, advertised, or assumed to act as 4 a real estate broker within the meaning of Code Section 10131(a), including the solicitation for 5 listings of and the negotiation of the purchase and sale of real property as the agent of others, 6 and the conducting of broker-controlled escrow activities under the Respondent's real estate 7 broker license pursuant to Financial Code Section 17006(a)(4). 8 4. 9 On May 31, 2016, the Bureau completed two audit examinations of the books 10 and records of Respondent, with regard to the real estate sales and broker-controlled escrow activities described in paragraph 3, above. The audit examinations covered the period of time 11 12 from July 1, 2013, to December 31, 2015. The primary purpose of the examinations was to 13 determine Respondent's compliance with the Real Estate Law. The audit examinations 14revealed numerous violations of the Code and the Regulations as set forth in the following 15paragraphs, and more fully discussed in Audit Reports LA150080 (Broker-controlled Escrow) 16 and LA150100 (Real Estate Sales), and the exhibits and work papers attached to said audit 17 reports. 18Bank and Trust Accounts 19 5. 20 At all times herein relevant, in connection with the activities described in 21 Paragraph 3, above, Respondent accepted or received funds including funds to be held in trust 22 (hereinafter "trust funds") from or on behalf of actual or prospective parties in connection with 23 broker controlled escrow activities. Thereafter Respondent made deposits and disbursements of 24 such trust funds. From time to time herein mentioned during the audit period, said trust funds 25 were deposited and/or maintained by Respondent in the following bank account: 26 |||27 -2 -

1 /// 2 Southland Mortgage Group Escrow Division-Trust Account 3 Account No. XXXXXX75 (Redacted for security) Union Bank of California 4 Los Angeles, CA 5 $(\underline{T/A 1} - \text{Respondent's trust account used for broker escrow trust funds})$ 6 Violations 7 6. 8 With respect to the licensed activities referred to in Paragraph 3, and the audit 9 examination including the exhibits and work papers referenced in Paragraph 4, it is alleged that 10 Respondent: 11 (a) Permitted, allowed or caused the disbursement of trust funds from T/A 1 12 13 to fall to an amount which, as of January 30, 2015, was \$102,218.46 less than the existing aggregate trust fund liability to the owners of said funds, without first obtaining the prior written 14 15 consent of the owners of said funds in violation of Code Section 10145 and Regulations 2832.1 and 2951; 16 (b) 17 Failed to maintain an accurate record of trust funds received and disbursed for T/A 1 in violation of Code Section 10145 and Regulations 2831 and 2950(d); 18 (c)Failed to maintain a columnar record of the receipt and disbursement of 19 20 trust funds handled through T/A 1 in violation of Code Section 10145 and Regulations 2831, 2950(d), and 2951; 21 Failed to maintain a separate record for each beneficiary of trust funds 22 (d) handled through T/A 1 in violation of Code Section 10145 and Regulations 2831.1, 2950(d). 23 and 2951; 24 25 (e) Failed to perform a monthly reconciliation of the separate record to the control record of trust funds handled through T/A 1 in violation of Code Section 10145 and 26 Regulations 2831.2, 2950(d), and 2951; 27 -3-ACCUSATION AGAINST THOMAS DAO

1	///			
2	(f) Failed to place funds received as trust funds into T/A 1 by the next			
3	business day following the receipt of such funds in violation of Code Section 10145 and			
4	Regulations 2832 and 2950(f), 2951;			
5	(g) Allowed unlicensed and unbonded individuals Adrienne Nguyen and			
6	Julie Dao to be signors on T/A 1 in violation of Code Section 10145 and Regulations 2834 and			
7	2951;			
8	(h) Engaged in earnings credit relationship to offset bank service charges to			
9	T/A 1 in violation of Code Sections 10145 and 10176(g), and Regulations 2830 and 2951;			
10	(i) Misrepresented to the seller that Respondent's agent held the earnest			
11	money deposit for a real estate sales transaction in violation of Code Section 10176(a);			
12	(j) Failed to disclose to all parties involved in real estate activities that			
13	Respondent had an interest as an owner in the escrow operation in violation of Regulation			
14	2950(h);			
15	(k) Performed third party escrows for transactions in which Respondent was			
16	not involved as either the listing or selling broker in violation of Financial Code Section			
17	17006(a)(4);			
18	(1) Failed to include the real estate license number of Respondent's sales			
19	agents on real estate purchase agreements in violation of Code Section 10140.6(b) and			
20	Regulation 2773;			
21	(m) Failed to submit the Escrow Activity Report to the Bureau within sixty			
22	days of the end of calendar years 2013 and 2014 in violation of Code Section 10141.6;			
23	(n) Used the fictitious business name "Superior Real Estate" to conduct real			
24	estate sales activities without first obtaining a license from the Bureau to conduct real estate			
25	activities under that fictitious business name, in violation of Code Section 10159.5 and			
26	Regulation 2731; and			
27				
	4			

, 1						
<i>x</i>						
1	(0)	Failed to exercise reasonable supervision over the activities of his				
2	employees to ensure	e compliance with the Real Estate Law and the Commissioner's Regulations				
3	in violation of Code Sections 10159.2 and 10177(h) and Regulation 2725.					
4	7.					
5	The conduct of Respondents described in Paragraph 6, above, violated the Code					
6	and the Regulations	as set forth below:				
7	PARAGRAPH	PROVISIONS VIOLATED				
8	6(a)	Code Section 10145				
9		Regulations 2832.1 and 2951				
10						
11	6(b)	Code Section 10145				
12		Regulations 2831 and 2950(d)				
13						
14	6(c)	Code Section 10145				
15		Regulations 2831, 2950(d), and 2951				
16						
17	6(d)	Code Section 10145				
18		Regulations 2831.1, 2950(d), and 2951				
19						
20	6(e)	Code Section 10145				
21		Regulation 2831.2, 2950(d), and 2951				
22	(1)	C 1 C 1 10145				
23	6(f)	Code Section 10145				
24		Regulations 2832, 2950(f), and 2951				
26	6(g)	Code Section 10145				
27		Regulations 2834 and 2951				
		-5-				
		ACCUSATION AGAINST THOMAS DAO				

12 $6(h)$ Code Sections 10145 and 10176(g)3Regulations 2830 and 29514 $6(i)$ Code Section 10176(a)5 $6(j)$ Regulation 2950(b)7 $6(k)$ Financial Code Section 17006(a)(4)8 $6(k)$ Financial Code Section 10140.6(b)10 $6(i)$ Code Section 10140.6(b)11Regulation 277312 $$					
2 6(h) Code Sections 10145 and 10176(g) 3 Regulations 2830 and 2951 4 6(i) Code Section 10176(a) 5 6(j) Regulation 2950(h) 7 6(k) Financial Code Section 17006(a)(4) 8 6(k) Financial Code Section 17006(a)(4) 9 6(l) Code Section 10140.6(b) 10 6(l) Code Section 10140.6(b) 11 Regulation 2773 12 6(m) Code Section 10143.6 13 6(m) Code Section 10159.5 14 Regulation 2731 15 6(o) Code Sections 10159.2 and 10177(b) 16 Code Sections 10159.2 and 10177(b) 17 Regulation 2725 18 Code Sections 10159.2 and 10177(b) 19 6(o) Code Sections 10159.2 and 10177(b) 19 Financial Code Sections 10159.2 and 10177(b) 10 Code Sections 10159.2 and 10177(b) 11 Financial Code Sections 10159.2 and 10177(b) 12 Financial Code Sections 10159.2 and 10177(b) 13 Financial Code Section 10170(b) 14	2 ¹				
2 $6(h)$ Code Sections 10145 and 10176(g)3Regulations 2830 and 29514 $6(i)$ Code Section 10176(a)5 $6(j)$ Regulation 2950(b)7 $6(k)$ Financial Code Section 17006(a)(4)8 $6(k)$ Financial Code Section 10140.6(b)10 $6(l)$ Code Section 10140.6(b)11Regulation 277312 $6(m)$ Code Section 10141.613 $6(m)$ Code Section 10159.514Regulation 273115 $6(o)$ Code Sections 10159.2 and 10177(h)16Regulation 272517 $6(o)$ Code Sections 10159.2 and 10177(h)18 $6(o)$ Code Sections 10159.2 and 10177(h)19 $6(o)$ Code Sections 10159.2 and 10177(h)19 $1076(a), 10177(d), 10177(g), and/or 10177(h).101076(a), 10177(d), 10177(g), and/or 10177(h).118_c12Code Section 10148(b) provides, in pertinent part, that the Real Estate13Code Section 10148(b) provides, in pertinent part, that the Real Estate111076(a), 10177(g), ard/or 10177(h).198_c10Code Section 10148(b) provides, in pertinent part, that the Real Estate10Code Section 10148(b) provides, in pertinent part, that the Real Estate12Code Section 10148(b) provides, in pertinent part, that the Real Estate13Code Section 10148(b) provides, in pertinent part, that the Real Estate14S15Code Section 10148(b) provides, in pertinent part, that the $,				
3Regulations 2830 and 295146(i)Code Section 10176(a)5	. 1				
46(i)Code Section 10176(a)56(j)Regulation 2950(h)76(k)Financial Code Section 17006(a)(4)86(k)Financial Code Section 10140.6(b)106(l)Code Section 10140.6(b)11Regulation 2773126(m)Code Section 10141.6136(m)Code Section 10159.5148Regulation 2731156(n)Code Sections 10159.2 and 10177(h)186(o)Code Sections 10159.2 and 10177(h)196(o)Code Sections constitute cause for the suspension or revocation of the real estate license and license rights of Respondents under the provisions of Code Sections 10176(a), 10177(d), 10177(g), and/or 10177(h).14815Code Section 10148(b) provides, in pertinent part, that the Real Estate16Code Section 10148(b) provides, in pertinent part, that the Real Estate17818Code Section 10148(b) provides, in pertinent part, that the Real Estate19Code Section 10148(b) provides, in pertinent part, that the Real Estate10Code Section 10148(b) provides, in pertinent part, that the Real Estate19Code Section 10148(b) provides, in pertinent part, that the Real Estate10Code Section 10148(b) provides, in pertinent part, that the Commissioner has11111112Code Section 10148(b) provides, in pertinent part, that the Commissioner has	2	6(h)	Code Sections 10145 and 10176(g)		
56(j)Regulation 2950(h)76(k)Financial Code Section 17006(a)(4)86(k)Financial Code Section 10106(a)(4)96(l)Code Section 10140.6(b)106(l)Code Section 10140.6(b)11Regulation 2773126(m)Code Section 10141.6136(m)Code Section 10159.516Regulation 2731176(o)Code Sections 10159.2 and 10177(h)18Regulation 272520Each of the foregoing violations constitute cause for the suspension or revocation of the real estate license and license rights of Respondents under the provisions of Code Sections 10176(a), 10177(d), 10177(g), and/or 10177(h).148,25Code Section 10148(b) provides, in pertinent part, that the Real Estate Commissioner shall charge a real estate broker for the cost of any audit if the Commissioner has	3		Regulations 2830 and 2951		
66(j)Regulation 2950(h)76(k)Financial Code Section 17006(a)(4)96(k)Code Section 10140.6(b)106(l)Code Section 10140.6(b)11Regulation 2773126(m)Code Section 10141.6146(m)Code Section 10159.5156(n)Code Section 10159.516Regulation 2731176(o)Code Sections 10159.2 and 10177(h)186(o)Code Sections 10159.2 and 10177(h)19Each of the foregoing violations constitute cause for the suspension or revocation12of the real estate license and license rights of Respondents under the provisions of Code Sections1310176(a), 10176(g), 10177(g), and/or 10177(h).14S.15Code Section 10148(b) provides, in pertinent part, that the Reial Estate16Code Section 10148(b) provides, in pertinent part, that the Reial Estate178.18Code Section 10148(b) provides, in pertinent part, that the Reial Estate19Code Section 10148(b) provides, in pertinent part, that the Reial Estate15Code Section 10148(b) provides, in pertinent part, that the Reial Estate16Code Section 10148(b) provides, in pertinent part, that the Reial Estate1718S.18Code Section 10148(b) provides, in pertinent part, that the Reial Estate19Code Section 10148(b) provides, in pertinent part, that the Reial Estate19Code Section 10148(b) provides, in pertinent part, that the Reial Estate19Code	4	6(i)	Code Section 10176(a)		
76(k)Financial Code Section 17006(a)(4)96(l)Code Section 10140.6(b)106(l)Code Section 10140.6(b)11Regulation 2773121136(m)Code Section 10141.6141156(n)Code Section 10159.516Regulation 2731171186(o)Code Sections 10159.2 and 10177(h)19Regulation 272520121Each of the foregoing violations constitute cause for the suspension or revocation22of the real estate license and license rights of Respondents under the provisions of Code Sections2310176(a), 10176(g), 10177(g), and/or 10177(h).248.25Code Section 10148(b) provides, in pertinent part, that the Real Estate26Commissioner shall charge a real estate broker for the cost of any audit if the Commissioner has	5				
86(k)Financial Code Section 17006(a)(4)96(l)Code Section 10140.6(b)106(l)Code Section 10140.6(b)11Regulation 2773126(m)Code Section 10141.614156(n)Code Section 10159.516Regulation 2731176(o)Code Sections 10159.2 and 10177(h)186(o)Code Sections 10159.2 and 10177(h)19Regulation 272520Each of the foregoing violations constitute cause for the suspension or revocation21Each of the foregoing violations constitute cause for the suspension or revocation22Intraction 272523Intraction 2705, Intraction 2705	6	6(j)	Regulation 2950(h)		
96(1)Code Section 10140.6(b)11Regulation 277312	. 7				
106(1)Code Section 10140.6(b)11Regulation 277312	8	6(k)	Financial Code Section 17006(a)(4)		
11Regulation 2773126(m)Code Section 10141.6136(m)Code Section 10159.514156(n)Code Section 10159.516Regulation 273117186(o)Code Sections 10159.2 and 10177(h)19Regulation 27252021Each of the foregoing violations constitute cause for the suspension or revocation21010176(a), 10177(d), 10177(g), and/or 10177(h).2310176(a), 10176(g), 10177(d), 10177(g), and/or 10177(h).248.25Code Section 10148(b) provides, in pertinent part, that the Real Estate26Commissioner shall charge a real estate broker for the cost of any audit if the Commissioner has	9				
12136(m)1414151617186(o)191919191011121314151516171819191011111213141515161718191010101111121314141515101011111213141515161717181919110110110110120121122123124124125125126126127128129129129129129129129129129120120120121121122212331234124412451245<	10	6(1)	Code Section 10140.6(b)		
136(m)Code Section 10141.614	. 11		Regulation 2773		
14156(n)Code Section 10159.516Regulation 27311717186(o)Code Sections 10159.2 and 10177(h)19Regulation 2725202021Each of the foregoing violations constitute cause for the suspension or revocation22of the real estate license and license rights of Respondents under the provisions of Code Sections2310176(a), 10176(g), 10177(g), and/or 10177(h).248.25Code Section 10148(b) provides, in pertinent part, that the Real Estate26Commissioner shall charge a real estate broker for the cost of any audit if the Commissioner has	12				
156(n)Code Section 10159.516Regulation 273117	13	6(m)	Code Section 10141.6		
16Regulation 27311717186(o)Code Sections 10159.2 and 10177(h)19Regulation 27252021Each of the foregoing violations constitute cause for the suspension or revocation22of the real estate license and license rights of Respondents under the provisions of Code Sections2310176(a), 10176(g), 10177(d), 10177(g), and/or 10177(h).248.25Code Section 10148(b) provides, in pertinent part, that the Real Estate26Commissioner shall charge a real estate broker for the cost of any audit if the Commissioner has	14				
17186(o)Code Sections 10159.2 and 10177(h)1919202121Each of the foregoing violations constitute cause for the suspension or revocation22of the real estate license and license rights of Respondents under the provisions of Code Sections2310176(a), 10176(g), 10177(d), 10177(g), and/or 10177(h).242526262728292920202122232425262728292920202122232424252627282929202021222324242526272829292020212223242525262627282929292920202122232425262728292929 <th>15</th> <th>6(n)</th> <th>Code Section 10159.5</th>	15	6(n)	Code Section 10159.5		
186(o)Code Sections 10159.2 and 10177(h)19Regulation 2725202121Each of the foregoing violations constitute cause for the suspension or revocation22of the real estate license and license rights of Respondents under the provisions of Code Sections2310176(a), 10176(g), 10177(d), 10177(g), and/or 10177(h).248.25Code Section 10148(b) provides, in pertinent part, that the Real Estate26Commissioner shall charge a real estate broker for the cost of any audit if the Commissioner has	16		Regulation 2731		
19Regulation 2725202121Each of the foregoing violations constitute cause for the suspension or revocation22of the real estate license and license rights of Respondents under the provisions of Code Sections2310176(a), 10176(g), 10177(d), 10177(g), and/or 10177(h).248.25Code Section 10148(b) provides, in pertinent part, that the Real Estate26Commissioner shall charge a real estate broker for the cost of any audit if the Commissioner has	17				
 Each of the foregoing violations constitute cause for the suspension or revocation Each of the foregoing violations constitute cause for the suspension or revocation of the real estate license and license rights of Respondents under the provisions of Code Sections 10176(a), 10176(g), 10177(d), 10177(g), and/or 10177(h). Code Section 10148(b) provides, in pertinent part, that the Real Estate Commissioner shall charge a real estate broker for the cost of any audit if the Commissioner has 	18	6(0)	Code Sections 10159.2 and 10177(h)		
 Each of the foregoing violations constitute cause for the suspension or revocation of the real estate license and license rights of Respondents under the provisions of Code Sections 10176(a), 10176(g), 10177(d), 10177(g), and/or 10177(h). Code Section 10148(b) provides, in pertinent part, that the Real Estate Commissioner shall charge a real estate broker for the cost of any audit if the Commissioner has 	19		Regulation 2725		
 of the real estate license and license rights of Respondents under the provisions of Code Sections 10176(a), 10176(g), 10177(d), 10177(g), and/or 10177(h). Code Section 10148(b) provides, in pertinent part, that the Real Estate Commissioner shall charge a real estate broker for the cost of any audit if the Commissioner has 	20				
 23 10176(a), 10176(g), 10177(d), 10177(g), and/or 10177(h). 24 8. 25 Code Section 10148(b) provides, in pertinent part, that the Real Estate 26 Commissioner shall charge a real estate broker for the cost of any audit if the Commissioner has 	21	Each of t	he foregoing violations constitute cause for the suspension or revocation		
248.25Code Section 10148(b) provides, in pertinent part, that the Real Estate26Commissioner shall charge a real estate broker for the cost of any audit if the Commissioner has	22	of the real estate license and license rights of Respondents under the provisions of Code Sections			
 Code Section 10148(b) provides, in pertinent part, that the Real Estate Commissioner shall charge a real estate broker for the cost of any audit if the Commissioner has 	23	10176(a), 10176(g), 10177(d), 10177(g), and/or 10177(h).			
²⁶ Commissioner shall charge a real estate broker for the cost of any audit if the Commissioner has	24	8.			
	25	Code Section 10148(b) provides, in pertinent part, that the Real Estate			
27	26	Commissioner shall cha	rge a real estate broker for the cost of any audit if the Commissioner has		
	27				
- 6 - ACCUSATION AGAINST THOMAS DAO					

· ·]					
1	found in a final decision, following a disciplinary hearing, that the broker has violated Code				
2	Section 10145 or a Regulation or rule of the Commissioner interpreting said Code section.				
3					
4	///				
5	9.				
6	California Business and Professions Code Section 10106 provides, in pertinent				
7	part, that in any order issued in resolution of a disciplinary proceeding before the Bureau, the				
8	Commissioner may request the administrative law judge to direct a licensee found to have				
9	committed a violation of this part to pay a sum not to exceed the reasonable costs of				
10	investigation and enforcement of the case.				
11					
12	WHEREFORE, Complainant prays that a hearing be conducted on the				
13	allegations of this Accusation and that, upon proof thereof, a decision be rendered imposing				
14	disciplinary action against the license and license rights of Respondent THOMAS DAO under				
15	the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code), for the costs of				
16	investigation and enforcement as provided by law, for costs of the audit, and for such other and				
17	further relief as may be proper under other applicable provisions of law.				
18	Dated at Los Angeles, California: 23 Jeptember 2016.				
19					
20	Ann m				
21	1 p / Mary				
22	María Suarez Supervising Special Investigator				
23					
24					
25	cc: Thomas Dao Maria Suarez				
26	Sacto Audits – Anitha Wijaya				
27	Axumis – Annuna wijaya				
	– 7 – ACCUSATION AGAINST THOMAS DAO				