

FILED

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BUREAU OF REAL ESTATE

By *Al Solari*

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BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

* * *

11 In the Matter of the Accusation of) No. H-40397 LA
 12)
 13) A C C U S A T I O N
 14)
 14 COUNTRY CLUB AND)
 RESORT RENTALS, INC.;)
 15 SANDY L. HANCOCK;)
 and OMAR SAUL LOZA)
 16 individually and as)
 17 designated officers of)
 Country Club and)
 18 Resort Rentals, Inc.,)
 19 Respondents,)
 20)
 21)

22
 23 The Complainant, Veronica Kilpatrick, a Supervising
 24 Special Investigator of the State of California, for cause of
 25 accusation against COUNTRY CLUB AND RESORT RENTALS, INC., SANDY
 26 L. HANCOCK and OMAR SAUL LOZA individually and as designated
 27

1 officers of Country Club and Resort Rentals, Inc., alleges as
2 follows:

3 1. The Complainant, Veronica Kilpatrick, acting in her
4 official capacity as a Supervising Special Investigator of the
5 State of California, makes this Accusation against COUNTRY CLUB
6 AND RESORT RENTALS, INC., SANDY L. HANCOCK and OMAR SAUL LOZA.

7 2. COUNTRY CLUB AND RESORT RENTALS, INC., SANDY L.
8 HANCOCK and OMAR SAUL LOZA individually and as designated
9 officers of Country Club and Resort Rentals, Inc. (hereinafter
10 referred to as "Respondents") are presently licensed and/or have
11 license rights under the Real Estate Law (Part 1 of Division 4 of
12 the Business and Professions Code, hereinafter Code).

13 3. At all times herein mentioned, Respondents COUNTRY
14 CLUB AND RESORT RENTALS, INC., SANDY L. HANCOCK and OMAR SAUL
15 LOZA were licensed as real estate brokers. Respondents HANCOCK
16 from May 2, 2014 through December 21, 2015, and thereafter LOZA
17 were the designated officers and pursuant to Code Section 10159.2
18 were responsible for the supervision and control of the
19 activities conducted on behalf of the corporation by its officers
20 and employees as necessary to secure full compliance with the
21 provisions of the real estate law including supervision of
22 salespersons licensed to the corporation in the performance of
23 acts for which a real estate license is required.

24 4. At all times material herein, Respondents engaged
25 in the business of, acted in the capacity of, advertised or
26 assumed to act as real estate brokers in the State of California
27 within the meaning of Section 10131(b) of the Code including

1 soliciting owners and renters, negotiating the lease and rental
2 of real property, and collecting rents from real property.

3 5. On or about May 20, 2016, the Bureau completed an
4 examination of Respondent COUNTRY CLUB AND RESORT RENTALS, INC.'s
5 books and records, pertaining to the activities described in
6 Paragraph 4 above, covering a period from April 1, 2015, through
7 March 31, 2016, which examination revealed violations of the Code
8 and of Title 10, Chapter 6, California Code of Regulations
9 (hereinafter Regulations) as set forth below.

10 6. The examination described in Paragraph 5, above,
11 determined that, in connection with the activities described in
12 Paragraph 4 above, Respondents accepted or received funds,
13 including funds in trust (hereinafter "trust funds") from or on
14 behalf of principals, and thereafter made deposit or disbursement
15 of such funds.

16 7. In the course of activities described in Paragraphs
17 4 through 6 and during the examination period described in
18 Paragraph 5, Respondents COUNTRY CLUB AND RESORT RENTALS, INC.,
19 HANCOCK and LOZA acted in violation of the Code and the
20 Regulations as follows, and as more specifically set forth in
21 Audit Report No. SD 150042 and related exhibits:

22 (1) Violated Code Section 10145 and Regulation 2832.1
23 by maintaining as of December 20, 2015 a trust account shortage
24 of \$236,772. As of March 31, 2016, the shortage was \$205,600.

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1 (2) Violated Code Section 10145 and Regulation 2831 by
2 failing to maintain a control record that was accurate and
3 complete for each trust account. The control record did not
4 reflect the correct dates funds were deposited and thus the daily
5 balance was inaccurate.

6 (3) Violated Code Section 10145 and Regulation 2831.1
7 by failing to maintain accurate and complete separate records for
8 each beneficiary or property.

9 (4) Violated Code Section 10145 and Regulation 2831.2
10 by not maintaining complete and accurate monthly reconciliations
11 of all the separate records to the control record.

12 (5) Violated Regulation 2832 by not designating the
13 bank account used to hold trust funds as a trust account.

14 (6) Violated Regulation 2834 by allowing unlicensed
15 and unbonded trust account signatories. HANCOCK and LOZA were
16 not designated as trust account signatories.

17 (7) Violated Section 10176(e) by commingling trust
18 funds with non trust funds.

19 (8) Violated Section 10176(i) by misappropriating
20 trust funds.

21 (9) Violated Regulation 2731 by using the unlicensed
22 fictitious name "Country Club and Resort Rentals."

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24 8. The conduct, acts and/or omissions of Respondents
25 COUNTRY CLUB AND RESORT RENTALS, INC., HANCOCK and LOZA, as
26 alleged above, subjects their real estate licenses and license
27 rights to suspension or revocation pursuant to Sections 10177(d),
10177(g), 10176(e), and 10176(i) of the Code.

FAILURE TO SUPERVISE

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2 9. The conduct, acts and/or omissions of Respondents
3 HANCOCK and LOZA, in failing to ensure full compliance with the
4 Real Estate Law is in violation of Code Section 10159.2 and
5 subjects their real estate licenses and license rights to
6 suspension or revocation pursuant to Sections 10177(d), 10177(g),
7 and 10177(h) of the Code.

COST RECOVERY

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9 Code Section 10106 provides, in pertinent part, that in
10 any order issued in resolution of a disciplinary proceeding
11 before the bureau, the commissioner may request the
12 administrative law judge to direct a licensee found to have
13 committed a violation of this part to pay a sum not to exceed the
14 reasonable costs of the investigation and enforcement of the
15 case.

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1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against all licenses and license rights of Respondents
5 COUNTRY CLUB AND RESORT RENTALS, INC., HANCOCK and LOZA
6 individually and as designated officer of Country Club and Resort
7 Rentals, Inc. under the Real Estate Law (Part 1 of Division 4 of
8 the Business and Professions Code), for the cost of investigation
9 and enforcement as permitted by law, and for such other and
10 further relief as may be proper under other applicable provisions
11 of law.

12 Dated at San Diego, California

13 this 14 day of September, 2016.

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15 
16 VERONICA KILPATRICK
17 Supervising Special Investigator
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23 cc: Country Club and Resort Rentals, Inc.
24 Sandy L. Hancock
25 Omar Saul Loza
26 Veronica Kilpatrick
27 Sacto.