

FILED

APR - 9 2018

BUREAU OF REAL ESTATE

By *CSalvini*

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8 **BEFORE THE BUREAU OF REAL ESTATE**
9 **STATE OF CALIFORNIA**

10 * * *

11 In the Matter of the Accusation Against) No. H-41000 LA
12)
13 NIJJAR REALTY INC. doing) ACCUSATION
14 business as Pama Management)
15 Company; PAMA MANAGEMENT,)
16 INC.; I E RENTAL HOMES, INC.;)
17 MIKE SINGH NIJJAR, individually)
18 and as Designated Officer of Nijjar)
19 Realty Inc.; EVERET GORDON)
20 MILLER, individually and as)
21 Designated Officer of Nijjar Realty)
22 Inc. and of Pama Management, Inc.;)
23 MICHAEL PREET NIJJAR,)
24 individually and as Designated Officer)
25 of I E Rental Homes, Inc.; and)
26 DALJIT KAUR KLER,)
27 Respondents.)

22 The Complainant, Brenda Smith, a Supervising Special Investigator of the State
23 of California, acting in her official capacity, for cause of Accusation against NIJJAR REALTY
24 INC. doing business as Pama Management Company, PAMA MANAGEMENT, INC., I E
25 RENTAL HOMES, INC., MIKE SINGH NIJJAR aka Swaranjit S. Nijjar aka Swaranjit Nijjar,
26 individually and as Designated Officer of Nijjar Realty Inc., EVERET GORDON MILLER,
27

1 individually and as Designated Officer of Nijjar Realty Inc., of Pama Management, Inc., and of I
2 E Rental Homes, Inc., MICHAEL PREET NIJJAR, individually and as Designated Officer of I E
3 Rental Homes, Inc., and DALJIT KAUR KLER (collectively, "Respondents") alleges as
4 follows:

5 1.

6 All references to the "Code" are to the California Business and Professions Code,
7 all references to the "Real Estate Law" are to Part 1 of Division 4 of the Code, and all references
8 to "Regulations" are to Title 10, Chapter 6, California Code of Regulations.

9 2.

10 Respondent NIJJAR REALTY INC. ("NRI") is presently licensed and/or has
11 license rights under the Real Estate Law as a corporate real estate broker. Respondent NRI was
12 originally licensed as a corporate real estate broker by the Bureau of Real Estate ("Bureau") on
13 or about March 2, 1979, with Respondent MIKE SINGH NIJJAR ("NIJJAR") as its Designated
14 Officer. Effective February 11, 2014, NRI's Designated Officer was changed with the Bureau
15 from Respondent NIJJAR to Respondent EVERET GORDON MILLER ("MILLER").
16 Respondent NRI's corporate real estate broker license is due to expire on March 1, 2019.
17 From July 30, 1990, to August 9, 2017, Respondent NRI maintained the fictitious business name
18 "Pama Management Company" registered to its corporate real estate license with the Bureau.

19 3.

20 Respondent PAMA MANAGEMENT, INC. ("PMI") is presently licensed and/or
21 has license rights under the Real Estate Law as a corporate real estate broker. Respondent PMI
22 was originally licensed as a corporate real estate broker by the Bureau on or about February 18,
23 2016. Beginning on that date and continuing to the present Respondent MILLER has been the
24 Designated Officer of PMI. Respondent PMI's corporate real estate broker license is due to
25 expire on February 17, 2020. Since September 18, 2017, Respondent PMI has maintained the
26 fictitious business name "I E Rental Homes" registered to its corporate real estate broker license
27 with the Bureau.

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4.

Respondent I E RENTAL HOMES, INC. ("IERHI") is presently licensed and/or has license rights under the Real Estate Law as a corporate real estate broker. Respondent IERHI was originally licensed as a corporate real estate broker by the Bureau on or about March 8, 2010, with Respondent MICHAEL PREET NIJJAR ("PREET") as its Designated Officer. Effective May 10, 2016, IERHI's Designated Officer was changed with the Bureau from Respondent PREET to Respondent MILLER. Respondent IERHI's corporate real estate broker license is due to expire on March 7, 2022.

5.

Respondent NIJJAR is licensed by the Bureau as a real estate broker. Respondent NIJJAR was originally licensed by the Bureau as a real estate salesperson on October 6, 1976, and as a real estate broker on January 27, 1978. Respondent's real estate broker license is due to expire on January 26, 2022. Respondent NIJJAR is the owner, holder of all corporate offices, and sole director of Respondent NRI.

6.

Respondent MILLER is licensed by the Bureau as a real estate broker. Respondent MILLER was originally licensed by the Bureau as a real estate salesperson on October 14, 1971, and as a real estate broker on March 31, 1999. Respondent's real estate broker license is due to expire on March 30, 2019.

7.

Respondent PREET is licensed by the Bureau as a real estate broker. Respondent PREET was originally licensed as a real estate broker on April 7, 2006. Respondent's real estate broker license is due to expire on April 6, 2018. Respondent PREET is the owner, holder of all corporate offices, and sole director of Respondent IERHI.

8.

Respondent DALJIT KAUR KLER ("KLER") is licensed by the Bureau as a real estate broker. Respondent KLER was originally licensed by the Bureau as a real estate

1 salesperson on March 14, 1986, and as a real estate broker on July 23, 1991. Respondent's real
2 estate broker license is due to expire on July 22, 2019. Respondent KLER is the owner, holder
3 of two corporate offices, and sole director of Respondent PMI.

4 9.

5 Jose Balmore Rodriguez ("Rodriguez") is not licensed by the Bureau in any
6 capacity.

7 10.

8 At all times herein relevant, in the County of Kern, and throughout the State of
9 California, Respondents engaged in the business of, acted in the capacity of, advertised, or
10 assumed to act as real estate brokers within the meaning of Code Section 10131(b). Their
11 activities included soliciting listings of places for rent, soliciting for prospective tenants, and/or
12 management of residential and commercial rental real property for and on behalf of others for
13 compensation.

14 11.

15 In addition, Respondents engaged in the business of, acted in the capacity of,
16 advertised, or assumed to act as real estate brokers within the meaning of Code Section 10131.6,
17 including the solicitation for listings of and the negotiation of the purchase and sale of
18 mobilehomes as the agents of others. Respondents do not possess a license from the California
19 Department of Housing and Community Development to sell mobilehomes.

20 FIRST CAUSE OF ACCUSATION

21 (Dishonest Dealing in Sales of Mobilehomes)

22 12.

23 Beginning on an unknown date prior to 2014, and continuing to the present,
24 Respondents maintained, managed, offered for sale or lease, and collected rents or purchase
25 monies for mobilehomes, as defined in Health and Safety Code Section 18008, at a trailer park
26 called "4J's Trailer Park" ("the park") located at 123 McCord Avenue in Oildale, California.

27 ///

1 13.

2 On September 2, 2015, Respondents represented the seller in the sale of a
3 mobilehome in Space #1 at the park to Dennis P. through a lease to own agreement.

4 Respondents employed and compensated unlicensed Rodriguez to perform real estate activities
5 in contracting for that sale and collecting purchase money in violation of Code Section 10137.

6 14.

7 On September 17, 2015, Respondents represented the seller in the sale of a
8 mobilehome in Space #4 at the park to Sarah K. and David H. through a lease to own agreement.

9 Respondents employed and compensated unlicensed Rodriguez to perform real estate activities
10 in contracting for that sale and collecting purchase money in violation of Code Section 10137.

11 15.

12 On September 3, 2015, Respondents represented the seller in the sale of a
13 mobilehome in Space #5 at the park to William H. and Dawn H. through a lease to own
14 agreement. Respondents employed and compensated unlicensed Rodriguez to perform real
15 estate activities in contracting for that sale and collecting purchase money in violation of Code
16 Section 10137.

17 16.

18 On September 1, 2015, Respondents represented the seller in the sale of a
19 mobilehome in Space #6 at the park to Bonnie C. through a lease to own agreement.

20 Respondents employed and compensated unlicensed Rodriguez to perform real estate activities
21 in contracting for that sale and collecting purchase money in violation of Code Section 10137.

22 17.

23 On September 17, 2015, Respondents represented the seller in the sale of a
24 residential unit located in Space #7 at the park to Deanna H. through a lease to own agreement.

25 Respondents, through their unlicensed employee Rodriguez, misrepresented to the purchaser that
26 the unit was a mobilehome when in fact it was a recreational vehicle as defined in Health and
27 Safety Code Section 18010 in violation of Code Section 10176(a).

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18.

On September 22, 2015, Respondents represented the seller in the sale of a mobilehome in Space #8 at the park to Miguel L. through a lease to own agreement. Respondents employed and compensated unlicensed Rodriguez to perform real estate activities in contracting for that sale and collecting purchase money in violation of Code Section 10137.

19.

On November 11, 2015, Respondents represented the seller in the sale of a mobilehome in Space #9 at the park to Marco L. and Angelica R. through a lease to own agreement. Respondents employed and compensated unlicensed Rodriguez to perform real estate activities in contracting for that sale and collecting purchase money in violation of Code Section 10137.

20.

On September 2, 2015, Respondents represented the seller in the sale of a mobilehome in Space #10 at the park to Yazmin O. through a lease to own agreement. Respondents employed and compensated unlicensed Rodriguez to perform real estate activities in contracting for that sale and collecting purchase money in violation of Code Section 10137.

21.

During this period, Respondents sold more than two mobilehomes in the same park without possessing a dealer license from the Department of Housing and Community Development in violation of Code Section 10131.6(b).

22.

In each of the transactions described in paragraphs 13-20, above, Respondents collected the down payment and continued to collect the rent to own payments as of the dates of those transactions. Respondents also allowed immediate residential occupancy of those sold units to the purchasers, even though the units were not authorized for human occupancy as set forth below.

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1 23.

2 On January 4, 2016, the Department of Housing and Community Development
3 inspected the 4J's Trail Park and served Respondents with written Notice that the above-
4 described mobilehomes had been installed without the required construction permits, and smoke
5 and carbon monoxide detectors. In addition, that inspection Notice documented that those units
6 were not permitted for human occupancy as required by Health and Safety Code Sections 18035,
7 18550, and 18613.

8 24.

9 On January 24, 2016, the mobilehome in space #9 at the park caught fire causing
10 the total destruction by fire of three mobilehomes and the death of a five month old infant. On
11 January 29, 2016, the Department of Housing and Community Development issued a second
12 Notice to Respondents, ordering that the remaining unpermitted mobilehomes be vacated.

13 25.

14 The conduct, acts and/or omissions of Respondents as described above, constitute
15 grounds for the suspension or revocation of the their licenses and license rights pursuant to Code
16 Sections 10176(a), 10176(i), 10176(m), 10177(d), 10177(g), 10177(h), and/or 10177(j).

17 SECOND CAUSE OF ACCUSATION

18 (Audit of PMI)

19 26.

20 On November 14, 2017, the Bureau completed an audit examination of the books
21 and records of Respondent PMI with regard to the real estate activities described in paragraph
22 10, above. The audit examination covered the period of time from September 1, 2015, to August
23 31, 2017. The primary purpose of the examination was to determine Respondent PMI's
24 compliance with the Real Estate Law. The audit examination revealed violations of the Code
25 and the Regulations as set forth in the following paragraphs, and more fully discussed in Audit
26 Report FR-17-0010 (PM) and the exhibits and work papers attached to said audit report.

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27.

At all times herein relevant, in connection with the activities described in Paragraph 10, above, Respondent PMI accepted or received funds, including funds to be held in trust (hereinafter "trust funds"), from or on behalf of actual or prospective parties in connection with real property management activities. From time to time during the audit period, said trust funds were deposited and/or maintained in approximately 160 bank accounts, none of which were designated as trust accounts. For purposes of the audit described herein, the Bureau sampled five bank accounts, and found the violations described in Paragraph 28, below.

28.

With respect to the licensed activities referred to in Paragraph 10, and the audit examination including the exhibits and work papers referenced in Paragraph 26, it is alleged that Respondent PMI:

(a) Permitted, allowed or caused the disbursement of trust funds from one bank account to fall to an amount which, as of July 31, 2017, was \$20,433.09, less than the existing aggregate trust fund liability to the owners of said funds, without first obtaining the prior written consent of those owners in violation of Code Section 10145 and Regulation 2832.1;

(b) Placed trust funds into ~~a~~ bank accounts that were not designated as a trust accounts in the name of the broker in violation of Code Section 10145 and Regulation 2832;

Each of the foregoing violations constitute cause for the suspension or revocation of the real estate license and license rights of Respondent under the provisions of Code Sections 10177(d), and/or 10177(g).

29.

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 found in a final decision, following a disciplinary hearing, that the broker has violated Code Section 10145 or a Regulation or rule of the Commissioner interpreting said Code section.

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California Business and Professions Code Section 10106 provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Bureau, 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 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/or license rights of Respondents NIJJAR REALTY INC., PAMA MANAGEMENT, INC., I E RENTAL HOMES, INC., MIKE SINGH NIJJAR, EVERET GORDON MILLER, MICHAEL PREET NIJJAR, and DALJIT KAUR KLER under the Real Estate Law, for the costs of investigation and enforcement as provided by law, for costs of the audit, and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Fresno, California, 3-16-18.

Brenda Smith
Supervising Special Investigator

- cc: Nijjar Realty Inc.
- Pama Management, Inc.
- I E Rental Homes, Inc.
- Mike Singh Nijjar
- Everet Gordon Miller
- Michael Preet Nijjar
- Daljit Kaur Kler
- Brenda Smith
- Sacto.
- Audits – Bosco Li