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DEPT. OF REAL ESTATE

By [Signature]

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

10 * * *

11 In the Matter of the Accusation against

DRE No. H-41829 LA

12 **HEDY LEE TOJI,**

ACCUSATION

13 **Respondent.**

15 The Complainant, Veronica Kilpatrick, a Supervising Special Investigator for the
16 Department of Real Estate¹ (“Department”) of the State of California, for cause of Accusation
17 against HEDY LEE TOJI (“Respondent”), is informed and alleges as follows:

18 1. All references to the “Code” are to the California Business and Professions Code
19 and all references to “Regulations” are to the Regulations of the Real Estate Commissioner,
20 Title 10, Chapter 6, California Code of Regulations.

21 2. Respondent is presently licensed and/or has license rights under the Real Estate
22 Law (Part 1 of Division 4 of the California Business and Professions Code).

24 ¹ Between July 1, 2013 and July 1, 2018, the Department of Real Estate operated as the Bureau of Real Estate under the Department of Consumer Affairs.

1 Statement of Facts

2 3. On or about July 23, 2008, the Department issued a real estate broker license to
3 Respondent, License ID 00693566. Respondent's license is scheduled to expire on March 22,
4 2021. Respondent has renewal rights pursuant to Code section 10201. The Department retains
5 jurisdiction pursuant to Code section 10103.

6 4. Respondent is not licensed to do business under any fictitious business names.

7 5. From May 29, 2009 through May 28, 2013, SCV Prop Management, Inc.
8 ("SCVPMI") was licensed as a real estate corporation, License ID 01862048. SCVPMI's
9 license expired on May 28, 2013.

10 6. Respondent was the designated officer for SCVPMI from May 29, 2009 through
11 May 28, 2013.

12 7. SCV Home Rentals has never been licensed in any capacity by the Department.

13 8. During the previous three year period, Respondent has operated a website for
14 SCV Home Rentals, at: <https://scvhomerentals.com>, wherein for compensation, Respondent has
15 solicited or offered to perform property management activities for others including, but not
16 limited to, leasing or renting or offering to lease or to rent or soliciting prospective tenants, and
17 collecting rents from real property or improvements thereon. Said activities require a real estate
18 license under Code section 10131, subdivision (b).

19 9. During the previous three year period, Respondent has used the unlicensed
20 fictitious business names, SCV Home Rentals, SCV Property Management, and SCVPMI, to
21 engage in activities that require a real estate license under Code section 10131, subdivision (b).

1 (A) File an application on behalf of a responsible broker with a county clerk to obtain a
2 fictitious business name.

3 (B) Deliver to the bureau an application, signed by the responsible broker, requesting the
4 bureau's approval to use a county approved fictitious business name that shall be identified with
5 the responsible broker's license number.

6 (C) Pay for any fees associated with filing an application with a county or the bureau to
7 obtain or use a fictitious business name.

8 (D) Maintain ownership of a fictitious business name, as defined in paragraph (2) of
9 subdivision (a) of Section 10159.7, that may be used subject to the control of the responsible
10 broker.

11 (b)(1) A salesperson using a fictitious business name authorized by subdivision (a), shall
12 use that name only as permitted by his or her responsible broker.

13 (2) This section does not change a real estate broker's duties under this division to
14 supervise a salesperson.

15 (c) A person applying to a county for a fictitious business name pursuant to
16 subdivision (a) may file his or her application in the county or counties where the fictitious
17 business name will be used.

18 (d) Advertising and solicitation materials, including business cards, print or electronic
19 media and "for sale" signage, using a fictitious business name obtained in accordance with
20 paragraph (2) of subdivision (a) shall include the responsible broker's identity, as defined in
21 paragraph (1) of subdivision (a) of Section 10159.7, in a manner equally as prominent as the
22 fictitious business name.

23 (e) Notwithstanding subdivision (b) of Section 10140.6, advertising and solicitation
24 materials, including print or electronic media and "for sale" signage, containing a fictitious

1 business name obtained in accordance with paragraph (2) of subdivision (a) shall include the
2 name and license number of the salesperson who is using the fictitious business name.

3 (f) Notwithstanding Section 10185, a violation of this section is not a misdemeanor.

4 18. Regulation 2731 provides:

5 (a) A licensee shall not use a fictitious name in the conduct of any activity for which a
6 license is required under the Real Estate Law unless the licensee is the holder of a license
7 bearing the fictitious name.

8 (b) The Bureau shall issue a license required under the Real Estate Law only in the legal
9 name of the licensee or in the fictitious business name of a broker who presents evidence of
10 having complied with the provisions of Sections 17910 and 17917 of the Code.

11 (c) The commissioner may refuse to issue a license bearing a fictitious name to a broker
12 if the fictitious name:

13 (1) Is misleading or would constitute false advertising.

14 (2) Implies a partnership or corporation when a partnership or corporation does
15 not exist in fact.

16 (3) Includes the name of a real estate salesperson.

17 (4) Constitutes a violation of the provisions of Sections 17910, 17910.5, 17913 or
18 17917 of the Code.

19 (5) Is the name formerly used by a licensee whose license has since been revoked.

20 (d) A license may not be issued or renewed with a fictitious business name containing the
21 term "escrow", or any name which implies that escrow services are provided, unless the fictitious
22 business name includes the term, "a non-independent broker escrow" following the name.

23 Licensees who have been or are issued a license with a fictitious business name with the term
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1 “escrow”, or any term which implies that escrow services are provided, must include the term “a
2 non-independent broker escrow” in any advertising, signs, or electronic promotional material.

3 (e) Where a licensee is a natural person, the use of a nickname in place of his or her legal
4 given name (first name) shall not constitute a fictitious name for purposes of this section,
5 provided that where the nickname is used, the licensee also uses as a surname (last name) his or
6 her surname as it appears on his or her real estate license, and includes his or her Bureau-issued
7 license identification number as required by Section 10140.6 of the Code.

8 19. Code section 10177, in pertinent part, provides:

9 The commissioner may suspend or revoke the license of a real estate licensee, delay the
10 renewal of a license of a real estate licensee, or deny the issuance of a license to an applicant,
11 who has done any of the following, or may suspend or revoke the license of a corporation, delay
12 the renewal of a license of a corporation, or deny the issuance of a license to a corporation, if an
13 officer, director, or person owning or controlling 10 percent or more of the corporation’s stock
14 has done any of the following:

15 (d) Willfully disregarded or violated the Real Estate Law (Part 1 (commencing with
16 Section 10000)) or Chapter 1 (commencing with Section 11000) of Part 2 or the rules and
17 regulations of the commissioner for the administration and enforcement of the Real Estate Law
18 and Chapter 1 (commencing with Section 11000) of Part 2.

19 (g) Demonstrated negligence or incompetence in performing an act for which the officer,
20 director, or person is required to hold a license.

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