

*Sachs*

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**FILED**  
JAN - 7 2021  
DEPT. OF REAL ESTATE  
By *[Signature]*

9 BEFORE THE DEPARTMENT OF REAL ESTATE  
10 STATE OF CALIFORNIA

11 \* \* \*

12 In the Matter of the Accusation of ) No. H- 41864 LA  
13 ALLAN CHARLES MANN, )  
14 doing business as Time Realty, ) ACCUSATION  
15 Respondent. )  
16 \_\_\_\_\_ )

17 The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the  
18 State of California, for cause of Accusation against ALLAN CHARLES MANN, doing  
19 business as Time Realty ("Respondent"), is informed and alleges as follows:

20 1.

21 The Complainant, Veronica Kilpatrick, acting in her official capacity as a  
22 Supervising Special Investigator of the State of California, makes this Accusation against  
23 Respondent ALLAN CHARLES MANN.

24 2.

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

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LICENSE HISTORY

3.

Respondent ALLAN CHARLES MANN ("MANN") presently has license rights under the Real Estate Law, Part 1 of Division 4 of the Code as a real estate broker.

4.

On or about October 31, 1984, the Real Estate Commissioner in Case No. H-22081 LA adopted as his Decision effective November 21, 1984, a Stipulation and Waiver denying Respondent MANN'S application for a real estate salesperson license but granting MANN the right to a restricted real estate salesperson license on terms and conditions. MANN stipulated that cause existed to deny MANN'S application for a real estate salesperson license on the grounds of a conviction for violation of California Vehicle Code section 20 (Making False Statement), a misdemeanor.

BROKERAGE

ALLAN CHARLES MANN

5.

At all times mentioned, in the City of Simi Valley, County of Los Angeles, Respondent MANN acted as a real estate broker, conducting licensed activities within the meaning of Code section 10131(b) (leases or rents real property for others).

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AUDIT

ALLAN CHARLES MANN

6.

On September 25, 2019, the Department of Real Estate (“Department”) completed audit examinations of the books and records of Respondent MANN pertaining to the activities described in Paragraph 5 which require a real estate license. The audit examinations covered a period of time from June 1, 2017, to May 31, 2019. The audit examinations revealed violations of the Code and the Regulations as set forth in the following paragraphs, and as more fully discussed in Audit Report LA180094 and the exhibits and workpapers attached to said audit report.

7.

Respondent MANN accepted or received funds in trust (“trust funds”). Thereafter, Respondent made deposits and or disbursements of such trust funds. During the examination period described in Paragraph 5 above, Respondent deposited or maintained trust funds in the following bank accounts:

Bank Account 1: Union Bank of California account ending in 134.

AUDIT VIOLATIONS OF THE REAL ESTATE LAW

8.

In the course of activities described in Paragraph 5 above and during the examination periods described in Paragraph 6 above, Respondent MANN acted in violation of the Code and the Regulations in that:

8(a) As of May 31, 2019, Respondent MANN had a trust fund shortage in the amount of \$7,151.42. Respondent did not have written consent from the owners of the trust funds to reduce the balance of trust funds to an amount less than the aggregate trust fund liabilities, in violation of Code section 10145 and Regulations section 2832.1.

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1           8(b) Bank account 1 used by Respondent MANN for trust funds was not  
2 designated as a trust account, and was not in the name of Respondent as trustee or a fictitious  
3 name held by Respondent's real estate license as trustee, in violation of Code section 10145 and  
4 Regulations section 2832.

5           8(c) Respondent MANN failed to deposit trust funds into a trust account  
6 within three business days following receipt of the trust funds by MANN, in violation of Code  
7 section 10145 and Regulations section 2832.

8           8(d) Respondent MANN did not maintain a complete and accurate control  
9 record or general ledger of all trust funds received and disbursed, in violation of Code  
10 section 10145 and Regulations section 2831.

11           8(e) Respondent MANN did not maintain a complete and accurate separate  
12 record of all trust funds received and disbursed for each beneficiary in connection with  
13 Respondent's mortgage loan brokerage and servicing activities, in violation of Code  
14 section 10145 and Regulations section 2831.1.

15           8(f) Respondent MANN did not perform and maintain a monthly  
16 reconciliation of all the separate records with the control record of all trust funds received and  
17 disbursed, in violation of Code section 10145 and Regulations section 2831.2.

18           8(g) The conduct, acts, or omissions of Respondent MANN, as described in  
19 Paragraph 8, in failing to ensure compliance of the Real Estate Law by Respondent MANN'S  
20 officers, agents and employees, is in violation of Regulations section 2725.

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9.

The conduct, acts, or omissions of Respondent MANN, described in Paragraph 8 above, violated the Code and the Regulations as set forth below:

<u>PARAGRAPH</u>	<u>PROVISIONS VIOLATED</u>
8(a)	Code section 10145 and Regulations section 2832.1
8(b)	Code section 10145 and Regulations section 2832
8(c)	Code section 10145 and Regulations section 2832
8(d)	Code section 10145 and Regulations section 2831
8(e)	Code section 10145 and Regulations section 2831.1
8(f)	Code section 10145 and Regulations section 2831.2
8(g)	Regulations section 2725

The foregoing violations constitute cause for the suspension or revocation of all the licenses, license endorsements, and license rights of Respondent MANN under the Real Estate Law pursuant to the provisions of Code sections 10177(d), 10177(g), and/or 10177(h).

10.

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.

11.


Code Section 10106 provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Department of Real Estate, 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 the investigation and enforcement of the case.

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1                    WHEREFORE, Complainant prays that a hearing be conducted on the  
2 allegations of this Accusation and that upon proof thereof, a decision be rendered imposing  
3 disciplinary action against all the licenses, license endorsements, and license rights of  
4 Respondent ALLAN CHARLES MANN under the Real Estate Law, for the cost of audit,  
5 investigation, and enforcement as permitted by law, and for such other and further relief as may  
6 be proper under other applicable provisions of law.

7  
8 Dated at San Diego, California

9 this 5 day of January, 2021

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11   
12 Veronica Kilpatrick  
13 Supervising Special Investigator

14 cc: ALLAN CHARLES MANN  
15 Veronica Kilpatrick  
16 Sacto.  
17 Audits  
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