| 1   | STEVE CHU, Counsel (SBN 238155)  |  |  |  |  |
|-----|--|--|--|--|--|
| 2   | Department of Real Estate<br>320 West 4th Street, Suite 350  |  |  |  |  |
| 3   | Los Angeles, California 90013-1105<br>JUL 1 3 2022   |  |  |  |  |
| 4   | Telephone:         (213) 620-6430         DEPT. OF REAL ESTATE           Fax:         (213) 576-6917         By Control of the second |  |  |  |  |
| 5   | By 215) 570-0517   |  |  |  |  |
| 6   |  |  |  |  |  |
| 7   |  |  |  |  |  |
| 8   |  |  |  |  |  |
| 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, ) FIRST AMENDED  |  |  |  |  |
| 14  | doing business as Time Realty, ) $\underline{A} \underline{C} \underline{C} \underline{U} \underline{S} \underline{A} \underline{T} \underline{I} \underline{O} \underline{N}$   |  |  |  |  |
| 15  | )<br>Respondent.   |  |  |  |  |
| 16  | )  |  |  |  |  |
| 17  | This First Amended Accusation amends the Accusation filed on January 7, 2021.  |  |  |  |  |
| 18  | The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the State of   |  |  |  |  |
| 19  | California, for cause of Accusation against ALLAN CHARLES MANN, doing business as  |  |  |  |  |
| 20  | Time Realty ("Respondent"), is informed and alleges as follows:  |  |  |  |  |
| 21  | 1.   |  |  |  |  |
| 22  | The Complainant, Veronica Kilpatrick, acting in her official capacity as a   |  |  |  |  |
| 23  | Supervising Special Investigator of the State of California, makes this Accusation against   |  |  |  |  |
| 24  | Respondent ALLAN CHARLES MANN.   |  |  |  |  |
| 25  | 2.   |  |  |  |  |
| 26  |  |  |  |  |  |
| 27  |  |  |  |  |  |
|     | First Amended Accusation of Allan Charles Mann - 1 -   |  |  |  |  |
|     | - 1 -  |  |  |  |  |
| - L | 1  |  |  |  |  |

| I   |  |
|-----|--|
|     |  |
|     |  |
| 1   | LICENSE HISTORY  |
| 2   | 3.   |
| 3   | Respondent ALLAN CHARLES MANN ("MANN") presently has license rights                              |
| 4   | under the Real Estate Law, Part 1 of Division 4 of the Code as a real estate broker.             |
| 5   | 4.   |
| 6   | On or about October 31, 1984, the Real Estate Commissioner in Case                               |
| 7   | No. H-22081 LA adopted as his Decision effective November 21, 1984, a Stipulation and            |
| 8   | Waiver denying Respondent MANN'S application for a real estate salesperson license but           |
| 9   | granting MANN the right to a restricted real estate salesperson license on terms and conditions. |
| 10  | MANN stipulated that cause existed to deny MANN'S application for a real estate salesperson      |
| 11  | license on the grounds of a conviction for violation of California Vehicle Code section 20       |
| 12  | (Making False Statement), a misdemeanor.   |
| 13  | BROKERAGE  |
| 14  | ALLAN CHARLES MANN   |
| 15  | 5.   |
| 16  | At all times mentioned, in the City of Simi Valley, County of Los Angeles,                       |
| 17  | Respondent MANN acted as a real estate broker, conducting licensed activities within the         |
| 18  | meaning of Code section 10131(b) (leases or rents real property for others).                     |
| 19  | ///  |
| 20  | ///  |
| 21  | ///  |
| 22  | ///  |
| 23  | ///  |
| 2.4 | ///  |
| 25  | ///  |
| 26  | ///  |
| 27  | ///  |
|     | First Amended Accusation of Allan Charles Mann   |
|     | - 2 -  |

| 1AUDIT2ALLAN CHARLES MANN36.4On September 25, 2019, the Department of Real Estate ("Department")5completed audit examinations of the books and records of Respondent MANN pertaining to6activities described in Paragraph 5 which require a real estate license. The audit examination7covered a period of time from June 1, 2017, to May 31, 2019. The audit examinations reveat8violations of the Code and the Regulations as set forth in the following paragraphs, and as mediate fully discussed in Audit Report LA180094 and the exhibits and workpapers attached to said107.117.12Respondent MANN accepted or received funds in trust ("trust funds").13Thereafter, Respondent made deposits and or disbursements of such trust funds. During the |      |
|--|------|
| 36.4On September 25, 2019, the Department of Real Estate ("Department")5completed audit examinations of the books and records of Respondent MANN pertaining to6activities described in Paragraph 5 which require a real estate license. The audit examination7covered a period of time from June 1, 2017, to May 31, 2019. The audit examinations revea8violations of the Code and the Regulations as set forth in the following paragraphs, and as m9fully discussed in Audit Report LA180094 and the exhibits and workpapers attached to said107.117.12Respondent MANN accepted or received funds in trust ("trust funds").  |      |
| <ul> <li>On September 25, 2019, the Department of Real Estate ("Department")</li> <li>completed audit examinations of the books and records of Respondent MANN pertaining to</li> <li>activities described in Paragraph 5 which require a real estate license. The audit examination</li> <li>covered a period of time from June 1, 2017, to May 31, 2019. The audit examinations revea</li> <li>violations of the Code and the Regulations as set forth in the following paragraphs, and as m</li> <li>fully discussed in Audit Report LA180094 and the exhibits and workpapers attached to said</li> <li>audit report.</li> <li>7.</li> <li>Respondent MANN accepted or received funds in trust ("trust funds").</li> </ul>                            |      |
| <ul> <li>completed audit examinations of the books and records of Respondent MANN pertaining to</li> <li>activities described in Paragraph 5 which require a real estate license. The audit examination</li> <li>covered a period of time from June 1, 2017, to May 31, 2019. The audit examinations revea</li> <li>violations of the Code and the Regulations as set forth in the following paragraphs, and as m</li> <li>fully discussed in Audit Report LA180094 and the exhibits and workpapers attached to said</li> <li>audit report.</li> <li>7.</li> <li>Respondent MANN accepted or received funds in trust ("trust funds").</li> </ul>   |      |
| <ul> <li>activities described in Paragraph 5 which require a real estate license. The audit examination covered a period of time from June 1, 2017, to May 31, 2019. The audit examinations reveal violations of the Code and the Regulations as set forth in the following paragraphs, and as m fully discussed in Audit Report LA180094 and the exhibits and workpapers attached to said audit report.</li> <li>Respondent MANN accepted or received funds in trust ("trust funds").</li> </ul>  |      |
| <ul> <li>covered a period of time from June 1, 2017, to May 31, 2019. The audit examinations revea</li> <li>violations of the Code and the Regulations as set forth in the following paragraphs, and as m</li> <li>fully discussed in Audit Report LA180094 and the exhibits and workpapers attached to said</li> <li>audit report.</li> <li>7.</li> <li>Respondent MANN accepted or received funds in trust ("trust funds").</li> </ul>   | the  |
| <ul> <li>violations of the Code and the Regulations as set forth in the following paragraphs, and as m</li> <li>fully discussed in Audit Report LA180094 and the exhibits and workpapers attached to said</li> <li>audit report.</li> <li>7.</li> <li>Respondent MANN accepted or received funds in trust ("trust funds").</li> </ul>  | IS   |
| <ul> <li><sup>9</sup> fully discussed in Audit Report LA180094 and the exhibits and workpapers attached to said</li> <li><sup>10</sup> audit report.</li> <li><sup>11</sup> 7.</li> <li><sup>12</sup> Respondent MANN accepted or received funds in trust ("trust funds").</li> </ul>  | ed   |
| <ul> <li>audit report.</li> <li>7.</li> <li>Respondent MANN accepted or received funds in trust ("trust funds").</li> </ul>  | ore  |
| 11   7.     12   Respondent MANN accepted or received funds in trust ("trust funds").  |      |
| 12 Respondent MANN accepted or received funds in trust ("trust funds").  |      |
|  |      |
| 13 Thereafter, Respondent made deposits and or disbursements of such trust funds. During the   |      |
|  |      |
| 14 examination period described in Paragraph 6 above, Respondent deposited or maintained tru   | st   |
| <sup>15</sup> funds in the following bank accounts:  |      |
| Bank Account 1: Union Bank of California account ending in 134.  |      |
| 17     AUDIT VIOLATIONS OF THE REAL ESTATE LAW   |      |
| 18 8.  |      |
| <sup>19</sup> In the course of activities described in Paragraph 5 above and during the  |      |
| <sup>20</sup> examination periods described in Paragraph 6 above, Respondent MANN acted in violation   | of   |
| <sup>21</sup> the Code and the Regulations in that:  |      |
| 8(a) As of May 31, 2019, Respondent MANN had a trust fund shortage in  | he:  |
| amount of \$7,151.42. Respondent did not have written consent from the owners of the trust   |      |
| <sup>24</sup> funds to reduce the balance of trust funds to an amount less than the aggregate trust fund   |      |
| 25 liabilities, in violation of Code section 10145 and Regulations section 2832.1.   |      |
| 26 ///   |      |
| 27 ///   |      |
| First Amended Accusation of Allan Charles M  | lann |
| - 3 -  |      |
| 3  |      |

| 1  | 8(b)                     | Bank account 1 used by Respondent MANN for trust funds was not                 |
|----|--------------------------|--|
| 2  | designated as a trust a  | account, and was not in the name of Respondent as trustee or a fictitious      |
| 3  | name held by Respon      | ident's real estate license as trustee, in violation of Code section 10145 and |
| 4  | Regulations section 2    | .832.  |
| 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 Re     | gulations section 2832.  |
| 8  | 8(d)                     | Respondent MANN did not maintain a complete and accurate control               |
| 9  | record or general ledg   | ger of all trust funds received and disbursed, in violation of Code            |
| 10 | section 10145 and Re     | gulations section 2831.  |
| 11 | 8(e)                     | Respondent MANN did not maintain a complete and accurate separate              |
| 12 | record of all trust fun  | ds received and disbursed for each beneficiary in connection with              |
| 13 | Respondent's broker      | activities, in violation of Code section 10145 and Regulations                 |
| 14 | section 2831.1.          |  |
| 15 | 8(f)                     | Respondent MANN did not perform and maintain a monthly                         |
| 16 | reconciliation of all th | ne separate records with the control record of all trust funds received and    |
| 17 | disbursed, in violation  | n 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  | g to ensure compliance of the Real Estate Law by Respondent MANN'S             |
| 20 | officers, agents and en  | mployees, is in violation of Regulations section 2725.                         |
| 21 | ///                      |  |
| 22 | ///                      |  |
| 23 | ///                      |  |
| 24 | ///                      |  |
| 25 | ///                      |  |
| 26 | ///                      |  |
| 27 | ///                      |  |
|    |                          | First Amended Accusation of Allan Charles Mann                                 |
|    |                          | - 4 -  |
| I  | 1                        |  |

| Î  | []   |
|----|--|
|    |  |
|    |  |
| 1  | 9.   |
| 2  | The conduct, acts, or omissions of Respondent MANN, described in   |
| 3  | Paragraph 8 above, violated the Code and the Regulations as set forth below:                                   |
| 4  | PARAGRAPH PROVISIONS VIOLATED  |
| 5  | 8(a) Code section 10145 and Regulations section 2832.1   |
| 6  | 8(b) Code section 10145 and Regulations section 2832   |
| 7  | 8(c) Code section 10145 and Regulations section 2832   |
| 8  | 8(d) Code section 10145 and Regulations section 2831   |
| 9  | 8(e) Code section 10145 and Regulations section 2831.1   |
| 10 | 8(f) Code section 10145 and Regulations section 2831.2   |
| 11 | 8(g) Regulations section 2725  |
| 12 | The foregoing violations constitute cause for the suspension or revocation of all                              |
| 13 | the licenses, license endorsements, and license rights of Respondent MANN under the Real                       |
| 14 | Estate Law pursuant to the provisions of Code sections 10177(d), 10177(g), and/or 10177(h).                    |
| 15 | 10.  |
| 16 | Code section 10148(b) provides, in pertinent part, that the Real Estate  |
| 17 | Commissioner shall charge a real estate broker for the cost of any audit if the Commissioner has               |
| 18 | found in a final decision, following a disciplinary hearing, that the broker has violated Code                 |
| 19 | section 10145 or a Regulation or rule of the Commissioner interpreting said Code section.                      |
| 20 | 11.  |
| 21 | Code Section 10106 provides, in pertinent part, that in any order issued in                                    |
| 22 | resolution of a disciplinary proceeding before the Department of Real Estate, the Commissioner                 |
| 23 | may request the administrative law judge to direct a licensee found to have committed a                        |
| 24 | violation of this part to pay a sum not to exceed the reasonable costs of the investigation and                |
| 25 | enforcement of the case.   |
| 26 | ///  |
| 27 | ///  |
|    | First Amended Accusation of Allan Charles Mann   |
|    | - 5 -  |
|    |  |
| d  | I de la construcción de la constru |

| 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 <u>13</u> day of <u>July</u> , 20 <u>22</u>   |
| 10 |  |
| 11 | Veronica Kilpatrick<br>Veronica Kilpatrick   |
| 12 | Supervising Special Investigator   |
| 13 |  |
| 14 | cc: ALLAN CHARLES MANN<br>Veronica Kilpatrick  |
| 15 | Sacto.   |
| 16 | Audits   |
| 17 |  |
| 18 |  |
| 19 |  |
| 20 |  |
| 21 |  |
| 22 |  |
| 23 |  |
| 24 |  |
| 25 |  |
| 26 |  |
| 27 |  |
|    | First Amended Accusation of Allan Charles Mann   |
|    | - 6 -  |
|    |  |