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FILED

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DEPT. OF REAL ESTATE

By 

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8

9 BEFORE THE DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of) No. H-42020 LA
13)
14 ACTIVE REALTY INC,) A C C U S A T I O N
15 JUSTIN R TYE,)
16 individually and as designated officer of)
17 Active Realty Inc, and)
18 DANIEL MAURICE SIEVERS SR,)
19 Respondents.)
20)
21)
22)
23)
24)
25)
26)
27)

19 The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the
20 State of California, for cause of Accusation against ACTIVE REALTY INC, JUSTIN R TYE,
21 individually and as designated officer of Active Realty Inc, and DANIEL MAURICE
22 SIEVERS SR, ("Respondents"), is informed and alleges as follows:

23 1.

24 The Complainant, Veronica Kilpatrick, acting in her official capacity as a
25 Supervising Special Investigator of the State of California, makes this Accusation against
26 Respondents ACTIVE REALTY INC, JUSTIN R TYE, and DANIEL MAURICE
27 SIEVERS SR.

Accusation of Active Realty Inc, Justin R Tye, and Daniel Maurice Sievers Sr

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2.

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

LICENSE HISTORY

3.

Respondent ACTIVE REALTY INC ("ACTIVE REALTY") presently has license rights under the Real Estate Law, Part 1 of Division 4 of the Code as a corporate real estate broker.

4.

Respondent JUSTIN R TYE ("TYE") presently has license rights as a real estate broker.

5.

Respondent ACTIVE REALTY is licensed by the Department as a corporate real estate broker by and through TYE, as the designated officer and broker responsible, pursuant to Code section 10159.2, for supervising the activities requiring a real estate license conducted on behalf of ACTIVE REALTY, or by ACTIVE REALTY'S officers, agents and employees.

6.

Respondent DANIEL MAURICE SIEVERS SR ("SIEVERS") presently has license rights as a real estate salesperson.

7.

Respondent SIEVERS is licensed and affiliated with responsible broker Respondent ACTIVE REALTY from about December 21, 2009, to the present.

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1 SALE OF MURRIETA PROPERTY

2 8.

3 On or about November 23, 2019, buyer E. Corelli submitted an offer to purchase
4 the Murrieta property through a signed Residential Purchase Agreement to Respondents
5 ACTIVE REALTY and TYE. On or about November 27, 2019, seller SPH One, LLLP and
6 buyers A. Patti and L. Weiss came to an agreement for the purchase of the Murrieta property.

7 9.

8 Respondents ACTIVE REALTY and TYE failed to provide to buyer E. Corelli a
9 Transfer Disclosure Statement required pursuant to Civil Code section 1102.6 or an Agent
10 Visual Inspection Disclosure Statement required pursuant to Civil Code section 2079.

11 10.

12 On or about January 27, 2020, for the Murrieta property transaction closed.

13 SALE OF SAN DIEGO PROPERTY

14 11.

15 On or about March 9, 2020, buyers A. Patti and L. Weiss submitted an offer to
16 purchase the San Diego property through a signed Residential Purchase Agreement to
17 Respondents ACTIVE REALTY and TYE. On or about March 17, 2020, seller
18 SPH One, LLLP and buyers A. Patti and L. Weiss came to an agreement for the purchase of the
19 San Diego property.

20 12.

21 Respondents ACTIVE REALTY and TYE failed to provide to buyers A. Patti
22 and L. Weiss a Transfer Disclosure Statement required pursuant to Civil Code section 1102.6 or
23 an Agent Visual Inspection Disclosure Statement required pursuant to Civil Code section 2079.

24 13.

25 On or about April 20, 2020, for the San Diego property transaction closed.

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1 SALE OF DESERT HOT SPRINGS PROPERTY

2 14.

3 On or about March 18, 2020, buyer A. Ryan submitted an offer to purchase the
4 Desert Hot Springs property through a signed Residential Purchase Agreement to Respondents
5 ACTIVE REALTY, TYE, and SIEVERS. On or about March 20, 2020, seller SPH One, LLLP
6 and buyer A. Ryan came to an agreement for the purchase of the Desert Hot Springs property.

7 15.

8 On or about March 18, 2020, Respondent SIEVERS sent an email to buyer A.
9 Ryan's agent, which said in part, "our Brokerage does not require a AVID therefore we will not
10 be providing one for the subject property."

11 16.

12 Respondents ACTIVE REALTY, TYE, and SIEVERS failed to provide to buyer
13 A. Ryan a Transfer Disclosure Statement required pursuant to Civil Code section 1102.6.

14 17.

15 On or about April 9, 2020, for the Desert Hot Springs property transaction
16 closed.

17 SALE OF CHINO PROPERTY

18 18.

19 On or about May 10, 2020, buyer Y. Chavez submitted an offer to purchase the
20 Chino property through a signed Residential Purchase Agreement to Respondents ACTIVE
21 REALTY, TYE, and SIEVERS. On or about May 18, 2020, seller SPH One, LLLP and buyer
22 Y. Chavez came to an agreement for the purchase of the Chino property.

23 19.

24 Respondents ACTIVE REALTY, TYE, and SIEVERS failed to provide to buyer
25 Y. Chavez a Transfer Disclosure Statement required pursuant to Civil Code section 1102.6 or
26 an Agent Visual Inspection Disclosure Statement required pursuant to Civil Code section 2079.

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1 20.

2 On or about June 17, 2020, for the Chino property transaction closed.

3 FIRST CAUSE OF ACTION

4 FAILURE TO PROVIDE DISCLOSURE STATEMENTS

5 21.

6 The conduct, acts, and omissions of Respondents ACTIVE REALTY and TYE,
7 as described in Paragraphs 3 through 20 above, are in violation of Civil Code sections 1102.6
8 and 2079 and constitute cause under Code sections 10177(d) and/or 10177(g) for the
9 suspension or revocation of all the licenses, license endorsements, and license rights of
10 ACTIVE REALTY and TYE.

11 The conduct, acts, and omissions of Respondent SIEVERS, as described in
12 Paragraphs 3 through 7 and 14 through 20 above, are in violation of Civil Code sections 1102.6
13 and 2079 and constitute cause under Code sections 10177(d) and/or 10177(g) for the
14 suspension or revocation of all the licenses, license endorsements, and license rights of
15 SIEVERS.

16 SECOND CAUSE OF ACTION

17 FAILURE TO SUPERVISE

18 22.

19 The conduct, acts, or omissions of Respondent TYE, as described in
20 Paragraphs 3 through 20 above, in failing to ensure compliance of the Real Estate Law by
21 Respondents ACTIVE REALTY and SIEVERS, are in violation of Code section 10159.2 and
22 Regulations section 2725 and constitute cause under Code sections 10177(d), 10177(g),
23 and/or 10177(h) for the suspension or revocation of all the licenses and license rights of TYE.

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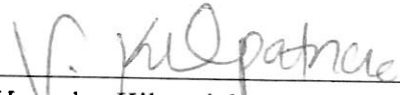
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Code section 10106 provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Department of Real Estate, the Commissioner may request the administrative law judge to direct a licensee found to have committed a violation of this part to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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 the licenses, license endorsements, and license rights of Respondents ACTIVE REALTY INC, JUSTIN R TYE, and DANIEL MAURICE SIEVERS SR under the Real Estate Law, for the cost of investigation and enforcement as permitted by law, and for such other and further relief as may be proper under other applicable provisions of law.

Dated at San Diego, California

this 19 day of May, 2021


Veronica Kilpatrick
Supervising Special Investigator

cc: ACTIVE REALTY INC
JUSTIN R TYE
DANIEL MAURICE SIEVERS SR
Veronica Kilpatrick
Sacto.