

1 Department of Real Estate
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
4
5 Telephone: (916) 227-0789
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FILED
NOV - 7 2002

DEPARTMENT OF REAL ESTATE

By *Luric P. Fair*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 TO:	)	No. H-1563 FRESNO
	)	
12 CAROLE PORTER VAUGHN,	)	<u>ORDER TO DESIST AND REFRAIN</u>
13 individually and doing business	)	(B&P Code Section 10086)
14 as ERA Vaughn Realty	)	
	)	

15 The Real Estate Commissioner of the State of
16 California (hereinafter "Commissioner") has determined from
17 evidence available to her that you, CAROLE PORTER VAUGHN,
18 individually and doing business as ERA Vaughn Realty
19 (hereinafter "you"), while engaged in activities which require a
20 real estate broker license under the provisions of Section
21 10131(b) of the California Business and Professions Code
22 (hereinafter "the Code"), violated Section 10145 of the Code and
23 Sections 2831.2 and 2832.1 of Chapter 6, Title 10, California
24 Code of Regulations (hereinafter "the Regulations").

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1 I

2 At all times mentioned herein you were and now are
3 licensed by the Department of Real Estate of the State of
4 California (hereinafter "the Department") as a real estate
5 broker.

6 II

7 At all times herein mentioned, you engaged in the
8 business of, acted in the capacity of, advertised, or assumed to
9 act as a real estate broker within the State of California
10 within the meaning of Section 10131(b) of the Code, including
11 the operation and conduct of a property management business with
12 the public wherein, on behalf of others, for compensation or in
13 expectation of compensation, you leased or rented and offered to
14 lease or rent, and placed for rent, and solicited listings of
15 places for rent, and solicited for prospective tenants of real
16 property or improvements thereon, and collected rents from real
17 property or improvements thereon.

18 III

19 In so acting as a real estate broker, as described in
20 Paragraph II above, you accepted or received funds in trust
21 (hereinafter "trust funds") from or on behalf of owners, tenants
22 and others in connection with the property management activities
23 described in Paragraph II, above, and thereafter from time to
24 time made disbursements of said funds.

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1 IV

2 Some but not necessarily all of said trust funds
3 accepted or received by you were deposited or caused to be
4 deposited by you into one or more bank accounts (hereinafter
5 "trust fund accounts") maintained by you for the handling of
6 trust funds, including but not necessarily limited to the
7 following accounts:

8 (a) The "Vaughn Realty Property Management Trust
9 Account", account number 05055-090329, maintained by you at the
10 Rancho Cordova, California, branch of Bank of America
11 (hereinafter "Trust 1");

12 (b) The "Carole Vaughn dba Vaughn Realty Property
13 Management Trust Account", account number 100016229, maintained
14 by you at the Ridgecrest, California, branch of Mojave Desert
15 Bank (hereinafter "Trust 2");

16 (c) The "Security Deposit Trust" account, account
17 number 05052-09330, maintained by you at the Rancho Cordova,
18 California, branch of Bank of America (hereinafter "Trust 3");
19 and

20 (d) The "Carole Vaughn dba Vaughn Realty Property
21 Management Trust Account", account number 100020189, maintained
22 by you at the Ridgecrest, California, branch of Mojave Desert
23 Bank (hereinafter "Trust 4").

24 V

25 Between on or about February 1, 1999 and February 1,
26 2002, in connection with the collection and disbursement of said
27 trust funds, you:

1 (a) Failed to reconcile, at least once a month, the
2 balance of all separate beneficiary or transaction records with
3 the record of all trust funds received into and disbursed from
4 Trust 1, Trust 2, Trust 3 and Trust 4; and

5 (b) Caused, suffered or permitted the combined
6 balance of funds in Trust 1, Trust 2, Trust 3 and Trust 4 to be
7 reduced to an amount which, as of December 31, 2001, was
8 approximately \$782.28 less than your aggregate liability to all
9 owners of such funds, without the prior written consent of the
10 owners of such funds.

11 VI

12 In acting as described in Paragraph V(a), above, you
13 violated Section 2831.2 of the Regulations in conjunction with
14 Section 10145 of the Code.

15 VII

16 In acting as described in Paragraph V(b), above, you
17 violated Section 2832.1 of the Regulations in conjunction with
18 Section 10145 of the Code.

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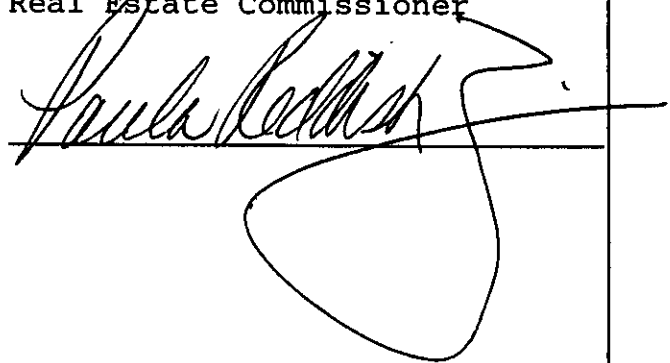
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1 NOW, THEREFORE, YOU, CAROLE PORTER VAUGHN, AND YOUR
2 AGENTS AND EMPLOYEES, ARE HEREBY ORDERED TO DESIST AND REFRAIN
3 from performing any activities for which a real estate license
4 is required unless and until you comply with Section 10145 of
5 the Code and Sections 2831.2 and 2832.1 of the Regulations.

6 DATED: October 29, 2002

7 PAULA REDDISH ZINNEMANN
8 Real Estate Commissioner

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11 cc: CAROLE PORTER VAUGHN
12 509 W. WARD
13 RIDGECREST, CA 93555
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