

DECEMBER 5, 2012

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DEPARTMENT OF REAL ESTATE

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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12 In the Matter of the Accusation of)

13 PLATINUM COAST INC.,)
14 DAN V. POND, and)
15 ZANE A. HANSEN,)

No. H-2793 FR
ACCUSATION

16 Respondents.)

17 The Complainant, BRENDA SMITH, in her official capacity as a Deputy Real
18 Estate Commissioner of the State of California, for cause of Accusation against PLATINUM
19 COAST INC., DAN V. POND, and ZANE A. HANSEN (collectively referred to herein as
20 "Respondents"), is informed and alleges as follows:

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22 Respondent PLATINUM COAST INC., (hereinafter "PCF"), is presently licensed
23 by the Department of Real Estate (hereinafter "the Department") and/or has license rights under
24 the Real Estate Law, Part 1 of Division 4 of the California¹ Business and Professions Code

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27 ¹ All references are to California Codes and Regulations, unless otherwise stated.

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2 (hereafter "the Code"), as a corporate real estate broker, acting by and through DAN V. POND as
3 its designated officer from July 8, 2011, until November 14, 2011, and thereafter by and through
4 ZANE A. HANSEN as its designated officer.

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6 At all times relevant herein, since July 8, 2011, when PCI was first licensed by the
7 Department, PCI conducted business under its own licensed name and the registered DBA name
8 "Real Property Management Platinum" associated with PCI's corporate real estate broker
9 license.

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11 At no time prior to July 8, 2011, was PCI licensed by the Department in any
12 capacity.

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14 Respondent DAN V. POND (hereinafter "POND") is presently licensed by the
15 Department and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the Code,
16 as a real estate broker.

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18 At all times mentioned herein, from July 8, 2011, until November 14, 2011,
19 POND was licensed by the Department as the designated officer of PCI. As the designated
20 officer, POND was responsible, pursuant to Section 10159.2 of the Code, for the supervision of
21 the activities of the officers, agents, real estate licensees and employees of PCI for which a real
22 estate license is required.

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24 Since October 20, 2011, and continuing to the present, Respondent ZANE A.
25 HANSEN (hereinafter "HANSEN") was and is licensed by the Department and/or has license
26 rights under the Real Estate Law, Part 1 of Division 4 of the Code, as a real estate broker.
27 HANSEN was first licensed by the Department as a real estate salesperson on June 29, 2009.

At all times relevant herein, since November 14, 2011, HANSEN was licensed by the Department as the designated officer of PCI. As the designated officer, HANSEN was responsible, pursuant to Section 10159.2 of the Code, for the supervision of the activities of the officers, agents, real estate licensees and employees of PCI for which a real estate license is required.

At all times herein mentioned, Erick Paulino was an employee of PCI. At no time has Erick Paulino been licensed by the Department in any capacity.

Whenever reference is made in an allegation in this Accusation to an act or omission of Respondents, such allegation shall be deemed to mean that the employees, agents, real estate licensees, and others employed by or associated with Respondents committed such act or omission while engaged in furtherance of the business or operations of Respondents and while acting within the course and scope of their authority and employment.

At all times mentioned herein, Respondents engaged in the business of, acted in the capacity of, advertised, or assumed to act as a real estate broker in the State of California, within the meaning of Section 10131(b) of the Code, including the leasing or renting or offer to lease or rent, or placing for rent, or solicitation of listings of places for rent, or solicitation of prospective tenants, or negotiation of the sale, purchase or exchanges of leases on real property, or on a business opportunity, or collection of rents from real property, or improvements thereon, or from business opportunities.

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FIRST CAUSE OF ACTION

As Against Respondents PCI, POND, and HANSEN

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Each and every allegation in Paragraphs 1 through 10, inclusive, above, is incorporated by this reference as if fully set forth herein.

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On about July 27, 2011, PCI, while doing business under its registered fictitious business name "Real Property Management Platinum" and acting by and through its employee Erick Paulino (hereinafter "Paulino"), an individual who at no time has been licensed by the Department to conduct real estate activities, solicited a prospective tenant, Department employee Brian F., and offered to lease/rent the residential property known as 112 E. Michigan Avenue, Fresno, California to Brian F., in violation of Section 10130 (license required to conduct real estate activities) of the Code.

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On about September 19, 2011, PCI, while doing business under its registered fictitious business name "Real Property Management Platinum" and acting through its unlicensed employee Paulino, solicited a prospective tenant, Department employee Rene E., and offered to lease/rent two (2) residential properties known as 5711 N. Delbert Avenue, Fresno, California, and 924 El Paso, Fresno, California, to Rene E., in violation of Section 10130 of the Code.

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On about May 23, 2012, PCI, while doing business under its registered fictitious business name "Real Property Management Platinum" and acting through its unlicensed employee Paulino, solicited a prospective tenant, Department employee Winston H., and offered to lease/rent the residential property known as 1515 N. Willow Avenue, Fresno, CA, to Winston H., in violation of Section 10130 of the Code.

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2 PCI willfully caused, suffered, permitted the violation of, and/or disregarded the
3 Real Estate Law by allowing Paulino to perform acts and conduct real estate activities within the
4 meaning of Section 10131(b) (property management activities) of the Code, as described in
5 Paragraphs 12 through 14, above.

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7 In acting as described in Paragraphs 12 through 15, above, PCI willfully caused,
8 suffered, and/or permitted Paulino to willfully disregard Section 10130 (license required to
9 conduct real estate activities) of the Code, which constitutes grounds for the suspension or
10 revocation of all licenses and license rights of PCI pursuant to the provisions of Section
11 10177(d) (willful disregard or violation of Real Estate Law) and/or Section 10177(g)
12 (negligence or incompetence in performing licensed act) of the Code, in conjunction with
13 Sections 10130 and 10131(b) of the Code.

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15 As the designated broker/officer for PCI during the time identified in Paragraphs
16 12 and 13, above, POND was responsible for the supervision and control of the activities
17 conducted on behalf of PCI by its officers and employees, including but not limited to Paulino.
18 POND failed to exercise reasonable supervision and control over the property management
19 activities of PCI, in that POND permitted, ratified and/or caused the conduct described in
20 Paragraphs 12 and 13, above, to occur, and failed to take reasonable steps, including, but not
21 limited to, the supervision of employees and the implementation of policies, rules, procedures
22 and systems to ensure the compliance of PCI and Paulino with the Real Estate Law and the
23 Commissioner's Regulations.

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25 The acts and/or omissions of POND as set forth in Paragraph 17, above, violate
26 Section 10159.2 (designated officer/broker supervision) of the Code and Section 2725 (broker

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1 supervision) of Title 10 of the California Code of Regulations (hereinafter "the Regulations"),
2 which constitutes grounds for the suspension or revocation of all licenses and license rights of
3 POND under the Real Estate Law pursuant to Sections 10177(d) and/or 10177(g), and 10177(h)
4 (broker supervision) of the Code.

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6 As the designated broker/officer for PCI during the time identified in Paragraph
7 14, above, HANSEN was responsible for the supervision and control of the activities conducted
8 on behalf of PCI by its officers and employees, including but not limited to Paulino. HANSEN
9 failed to exercise reasonable supervision and control over the property management activities of
10 PCI, in that HANSEN permitted, ratified and/or caused the conduct described in the Paragraph
11 14, above, to occur, and failed to take reasonable steps, including, but not limited to, the
12 supervision of employees and the implementation of policies, rules, procedures and systems to
13 ensure the compliance of PCI and Paulino with the Real Estate Law and the Commissioner's
14 Regulations.

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16 The acts and/or omissions of HANSEN as set forth in Paragraph 19, above,
17 violate Section 10159.2 of the Code and Section 2725 of the Regulations, which constitutes
18 grounds for the suspension or revocation of all licenses and license rights of HANSEN under the
19 Real Estate Law pursuant to Sections 10177(d) and/or 10177(g), and 10177(h) of the Code.

20 SECOND CAUSE OF ACTION
21 As Against Respondent HANSEN

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23 Each and every allegation in Paragraphs 1 through 20, inclusive, above, is
24 incorporated by this reference as if fully set forth herein.

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2 On about January 7, 2011, HANSEN, who was at that time licensed by the
3 Department as a real estate salesperson and did not have an employing real estate broker,
4 negotiated a property management agreement for the property known as 2408 W. Home Ave.,
5 Fresno, California.

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7 The acts alleged in Paragraph 22, above, require a real estate broker license within
8 the meaning of Section 10131(b) (property management activities) of the Code.

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10 In acting as described in Paragraphs 22 and 23, above, HANSEN willfully
11 disregarded Section 10130 (broker license required to conduct real estate activities) of the Code,
12 which constitutes grounds for the suspension or revocation of all licenses and license rights of
13 HANSEN pursuant to the provisions of Section 10177(d) and/or 10177(g) of the Code, in
14 conjunction with Sections 10130 and 10131(b) of the Code.

15 THIRD CAUSE OF ACTION
16 As Against Respondent POND

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18 Each and every allegation in Paragraphs 1 through 24, inclusive, above, is
19 incorporated by this reference as if fully set forth herein.

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21 Between about January 14, 2011, and July 7, 2011, POND failed to obtain a real
22 estate license bearing the fictitious businesses name "Real Property Management Platinum"
23 while conducting activities for which a real estate license was required, in violation of Section
24 10159.5 (license required to conduct business using fictitious business name) of the Code
25 and Section 2731 (use of fictitious business name) of the Regulations.

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2 Between about January 14, 2011, and July 7, 2011, POND performed activities
3 requiring a real estate license at 2565 Alluvial Ave., Suite 172, Clovis, CA, a location other than
4 POND's primary place of business, without first procuring a branch office license for that
5 location, in violation of Section 10163 (license required for branch office locations) of the Code.

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7 The acts and/or omissions of POND as set forth in Paragraphs 26 and 27, above,
8 constitute grounds for the suspension or revocation of all licenses and license rights of POND
9 under the Real Estate Law pursuant to Sections 10177(d) and/or 10177(g) of the Code.

10 FOURTH CAUSE OF ACTION
11 As Against Respondents PCI and HANSEN

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13 Each and every allegation in Paragraphs 1 through 28, inclusive, above, is
14 incorporated by this reference as if fully set forth herein.

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16 In May 2012, PCI employed and compensated Paulino, who at no time was
17 licensed in any capacity by the Department, for performing acts requiring a real estate license
18 including, but not limited to the acts identified in Paragraphs 12 through 14, above, in violation
19 of Sections 10130 and 10137 of the Code.

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21 The acts identified in Paragraph 30, above, constitute grounds for the suspension
22 or revocation of all licenses and license rights of PCI pursuant to the provisions of Section
23 10177(d) and/or 10177(g) of the Code, in conjunction with Sections 10130 and 10137 of the
24 Code.

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As the designated broker/officer for PCI during the time identified in Paragraph 30, above, HANSEN was responsible for the supervision and control of the activities conducted on behalf of PCI by its officers and employees, including but not limited to Paulino. HANSEN failed to exercise reasonable supervision and control over the property management activities of PCI, in that HANSEN permitted, ratified and/or caused the conduct described in Paragraph 30, above, to occur, and failed to take reasonable steps, including, but not limited to, the supervision of employees and the implementation of policies, rules, procedures and systems to ensure the compliance of PCI and Paulino with the Real Estate Law and the Regulations.

The acts and/or omissions of HANSEN as set forth in Paragraph 32, above, violate Section 10159.2 of the Code and Section 2725 of the Regulations, which constitutes grounds for the suspension or revocation of all licenses and license rights of HANSEN under the Real Estate Law pursuant to Sections 10177(d) and/or 10177(g), and 10177(h) of the Code.

COST RECOVERY

Section 10106 of the Code provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Department, 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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WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered revoking all licenses and license rights of all Respondents named herein, under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code), for the cost of investigation and enforcement as permitted by law, and for such other and further relief as may be proper under the provisions of law.


BREND A SMITH
Deputy Real Estate Commissioner

Dated at Fresno, California,
this 1 day of November, 2012.