

FILED

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BUREAU OF REAL ESTATE

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BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of

MATT JAY CRAWFORD,

Respondent.

No. H-2966 FR

ACCUSATION

The Complainant, BRENDA SMITH, a Supervising Special Investigator of the State of California, for Accusation against Respondent MATT JAY CRAWFORD (CRAWFORD), is informed and alleges as follows:

1

The Complainant makes this Accusation against Respondent in her official capacity.

2

At all times herein mentioned, CRAWFORD was and is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code (the Code) by the Bureau of Real Estate (the Bureau) as a real estate broker.

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At all times herein mentioned, CRAWFORD engaged in the business of, acted in the capacity of, advertised, or assumed to act as real estate broker within the State of California within the meaning of Section 10131(b) of the Code, including the operation and conduct of a property management business with the public wherein, on behalf of others, for compensation or in expectation of compensation, CRAWFORD leased or rented or offered to lease or rent, or places for rent, or solicited listings of places for rent or solicited for prospective tenants, or negotiated the sale, purchase or exchange of leases on real property, or on a business opportunity, or collected rents from tenants.

Beginning on December 23, 2014, and continuing intermittently through January 12, 2015, an audit was conducted at CRAWFORD'S main office located at 3540 Oakdale Rd., A1, Modesto, California, and at the Bureau's main office located at 1651 Exposition Blvd., Sacramento, CA 95815, where the auditor examined records for the period of November 1, 2013, through November 30, 2014 (the audit period).

While acting as a real estate broker as described in Paragraph 3, above, and within the audit period, CRAWFORD accepted or received funds in trust (trust funds) from or on behalf of property owners, lessees and others in connection with property management activities, deposited or caused to be deposited those funds into bank accounts maintained by CRAWFORD, at US Bank, 3501 Tully Rd., Modesto, CA 95357, as described below:

BANK ACCOUNT #1	
Account No.:	XXXXXXXXX7229
Entitled:	Valley Wide Financial Services, Inc. DBA A-1 Best Alternative

and thereafter from time to time made disbursement of said trust funds.

In the course of the activities described in Paragraph 3, in connection with the collection and disbursement of trust funds, it was determined that:

- (a) CRAWFORD failed to designate Bank Account #1 as a trust account as required by Section 2832 of Chapter 6, Title 10, California Code of Regulations (Regulations);
- (b) CRAWFORD allowed Ana Merlo and Mario Ruano, persons who were not licensed and did not have surety bonds to be signatories on the trust account, in violation of Section 2834 of the Regulations;
- (c) The auditor could not conduct an accountability on Bank Account #1 because CRAWFORD did not maintain control records, separate beneficiary records and did not perform monthly reconciliations, in violation of Section 10145 of the Code;
- (d) CRAWFORD failed to maintain control records for Bank Account #1, as required by Section 2831 of the Regulations;
- (e) CRAWFORD failed to maintain separate beneficiary records for Bank Account #1 as required by Section 2831.1 of the Regulations;
- (f) CRAWFORD failed to perform monthly reconciliations of the separate beneficiary records and control records for Bank Account #1, as required by Section 2831.2 of the Regulations; and
- (g) CRAWFORD performed property management activities under the fictitious business name A-1 Best Alternative, which was not a licensed dba with the Bureau, in violation of Section 2731 of the Regulations.

The acts and/or omissions described above constitute violations of Sections 2731 (fictitious business name), 2831 (control records), 2831.1 (separate beneficiary records), 2831.2 (monthly reconciliations) and 2832 (trust fund designation) of the Regulations and of Section

1 10145 (trust fund handling) of the Code and are grounds for discipline under Sections 10177(d)
2 (willful disregard of real estate laws) and/or 10177(g) (negligence/incompetence licensee) of the
3 Code.

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5 Audit Costs


6 The acts and/or omissions of CRAWFORD as alleged above, entitle the Bureau to
7 reimbursement of the costs of its audits pursuant to Section 10148(b) (audit costs for trust fund
8 handling violations) of the Code.

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10 Costs of Investigation and Enforcement

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

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16 WHEREFORE, Complainant prays that a hearing be conducted on the
17 allegations of this Accusation and that upon proof thereof a decision be rendered imposing
18 disciplinary action against all licenses and license rights of Respondent under the Code, for the
19 cost of the investigation and enforcement of the case as permitted by law, for the cost of the
20 Bureau's audit as permitted by law and for such other and further relief as may be proper under
21 other provisions of law.

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24 BREND A SMITH
25 Supervising Special Investigator

26 Dated at Fresno, California,

27 this 9 day of October, 2015.