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FILED

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BUREAU OF REAL ESTATE
By B. Nicholas

8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of :

12 JUSTIN TAYLOR HARDMAN,

13 Respondent.

No. H-3123 FR

ACCUSATION

14 The Complainant, BRENDA SMITH, acting in her official capacity as a
15 Supervising Special Investigator of the State of California, for cause of Accusation against
16 JUSTIN TAYLOR HARDMAN ("Respondent"), is informed and alleges as follows:

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18 At all times mentioned herein, Respondent was and is licensed by the State of
19 California Bureau of Real Estate ("Bureau") under the Real Estate Law, Part 1 of Division 4 of
20 the Business and Professions Code ("Code") as a real estate broker.

21 2

22 At all times mentioned, Respondent engaged in the business of, acted in the
23 capacity of, advertised, or assumed to act as a real estate broker within the State of California
24 within the meaning of Section 10131(b) of the Code, including the operation and conduct of a
25 property management business with the public wherein, on behalf of others, for compensation or
26 in expectation of compensation, Respondent leased or rented and offered to lease or rent, and
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1 solicited for prospective tenants of real property or improvements thereon, and collected rents
2 from real property or improvements thereon.

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4 Beginning on or about March 22, 2016, and continuing intermittently through
5 May 23, 2016, an audit was conducted of Respondent's records. The auditor examined the
6 records for the period of March 1, 2015, through February 29, 2016.

7 4

8 While acting as a real estate licensee, as described above in Paragraph 2,
9 Respondent accepted or received funds in trust (trust funds) from or on behalf of owners and
10 tenants in connection with the leasing, renting, and collection of rents on real property or
11 improvements thereon, as alleged herein, and thereafter from time-to-time made disbursements
12 of said trust funds.

13 5

14 The trust funds accepted or received by Respondent, as described above in
15 Paragraph 4, were deposited or caused to be deposited by Respondent into trust accounts which
16 were maintained by Respondent for the handling of trust funds, and thereafter from time-to-time
17 Respondent made disbursements of said trust funds, from the following trust accounts:

TRUST ACCOUNT # 1	
19 Bank Name and Location:	Fresno First Bank 7690 N. Palm Ave. #101 Fresno, CA 93711
20 Account No.:	XXXXXX6013
21 Entitled:	Strong Property Management LLC Trust Account
22 Signatories:	Justin Hardman (REB) Jared Martin (REB)
23 No. of Signatures Required:	One

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In the course of the activities described in Paragraph 2, Respondent:

(a) caused, suffered or permitted the balance of funds in Trust Account #1 to contain a shortage of \$925.00 without the prior written consent of each and every owner of such funds, in violation of Section 10145 of the Code and Section 2832.1 of Chapter 6, Title 10, California code of Regulations (herein "the Regulations");

(b) failed to maintain separate records for each beneficiary or property of trust funds accepted or received for Trust Account #1, in violation of Section 10145(g) of the Code and Section 2831.1 of the Regulations;

(c) failed to reconcile at least once a month, the balance of all separate beneficiary or transaction records with the balance of the control records for Trust Account #1, in violation of Section 10145 of the Code and Section 2831.2 of the Regulations; and

(d) conducted real estate activities using the fictitious business name "Alpha Property Management & Real Estate Co." without first registering this fictitious business name with the Bureau, as required by Section 10159.5 of the Code and Section 2731 of the Regulations.

The acts and/or omissions of Respondent, as alleged above in Paragraph 6, constitute grounds for the suspension or revocation of all licenses and license rights of Respondent pursuant to the following provisions of the Code and Regulations:

As to Paragraph 6(a), under Section 10177(d) of the Code, in conjunction with Sections 10145 of the Code and Section 2832.1 of the Regulations;

As to Paragraph 6(b), under Section 10177(d) of the Code, in conjunction with Section 10145(g) of the Code and Section 2831.1 of the Regulations;

As to Paragraph 6(c), under Section 10177(d) of the Code, in conjunction with Section 10145 of the Code and Section 2831.2 of the Regulations; and

1 As to Paragraph 6(c), under Section 10177(d) of the Code, in conjunction with
2 Section 10159.5 of the Code and Section 2731 of the Regulations.

3 COST RECOVERY

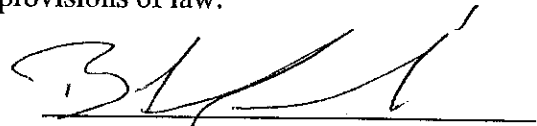
4 8

5 The acts and/or omissions of Respondent, as alleged above in Paragraph 7, entitle
6 the Bureau to reimbursement of the costs of its audit pursuant to Section 10148(b) of the Code.

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8 Section 10106 of the Code provides, in pertinent part, that in any order issued in
9 resolution of a disciplinary proceeding before the Bureau, the Commissioner may request the
10 Administrative Law Judge to direct a licensee found to have committed a violation of this part to
11 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

12 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
13 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary
14 action against all licenses and license rights of Respondent under the Code, for the cost of
15 investigation and enforcement as permitted by law, for the cost of the audit, and for such other
16 and further relief as may be proper under other provisions of law.

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18 BRENDA SMITH
19 Supervising Special Investigator

20 Dated at Fresno, California,

21 this 22 day of June, 2017

22 DISCOVERY DEMAND

23 Pursuant to Sections 11507.6, *et seq.* of the *Administrative Procedure Act*, the Bureau
24 hereby makes demand for discovery pursuant to the guidelines set forth in the *Administrative*
25 *Procedure Act*. Failure to provide Discovery to the Bureau may result in the exclusion of
26 witnesses and documents at the hearing or other sanctions that the Office of Administrative
27 Hearings deems appropriate.