

FILED

JUN -3 2019

DEPT. OF REAL ESTATE

By ASB

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9 BEFORE THE DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of) No. H-03250 FR
13 KAREX PROPERTY MANAGEMENT)
14 SERVICES, a corporation,) ACCUSATION
15 KAREN KAYE JACOBSMA, doing)
16 business as Jacobsma & Associates and)
17 Karex Property Management Services,)
18 individually and as designated officer of)
19 Karex Property Management Services,)
Respondents.)
)

20 The Complainant, Brenda Smith, a Supervising Special Investigator of the State
21 of California, for cause of Accusation against KAREX PROPERTY MANAGEMENT
22 SERVICES, a corporation, KAREN KAYE JACOBSMA, doing business as
23 Jacobsma & Associates and Karex Property Management Services, individually and as
24 designated officer of Karex Property Management Services, and REX ALAN JACOBSMA
25 (“Respondents”), is informed and alleges as follows:

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Accusation of Karex Property Management Services, Karen Kaye Jacobsma, and Rex Alan Jacobsma

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1. 1

2 The Complainant, Brenda Smith, acting in her official capacity as a Supervising
3 Special Investigator of the State of California, makes this Accusation against Respondents
4 KAREX PROPERTY MANAGEMENT SERVICES, KAREN KAYE JACOBSMA, and REX
5 ALAN JACOBSMA.

2. 6

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

9 LICENSE HISTORY

3. 10

11 Respondent KAREX PROPERTY MANAGEMENT SERVICES presently has
12 license rights under the Real Estate Law, Part 1 of Division 4 of the Code as a corporate real
13 estate broker. The Department of Real Estate ("Department") issued a corporate real estate
14 broker license to KAREX PROPERTY MANAGEMENT SERVICES on February 10, 2018.
15 KAREX PROPERTY MANAGEMENT SERVICES was not licensed by the Department prior
16 to February 10, 2018.

4. 17

18 Respondent KAREN KAYE JACOBSMA ("KAREN JACOBSMA") presently
19 has license rights as a real estate broker.

5. 20

21 Respondent KAREX PROPERTY MANAGEMENT SERVICES is licensed by
22 the Department as a corporate real estate broker by and through KAREN JACOBSMA, as the
23 designated officer and broker responsible, pursuant to Code section 10159.2, for supervising the
24 activities requiring a real estate license conducted on behalf of KAREX PROPERTY
25 MANAGEMENT SERVICES, or by KAREX PROPERTY MANAGEMENT SERVICES'S
26 officers, agents and employees.

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Accusation of Karex Property Management Services, Karen Kaye Jacobsma, and Rex Alan Jacobsma

1 6.

2 Respondent REX ALAN JACOBSMA ("REX JACOBSMA") presently has
3 license rights as a real estate salesperson.

4 BROKERAGE

5 KAREX PROPERTY MANAGEMENT SERVICES and KAREN JACOBSMA

6 7.

7 At all times mentioned, in the City of Paso Robles, County of San Luis Obispo,
8 Respondents KAREX PROPERTY MANAGEMENT SERVICES and KAREN JACOBSMA
9 acted as real estate brokers, conducting licensed activities within the meaning of Code
10 section 10131, subdivision (b) (leases or rents real property for others).

11 AUDIT

12 KAREX PROPERTY MANAGEMENT SERVICES and KAREN JACOBSMA

13 8.

14 On March 30, 2018, the Department completed audit examinations of the books
15 and records of Respondents KAREX PROPERTY MANAGEMENT SERVICES and KAREN
16 JACOBSMA pertaining to the activities described in Paragraph 7 which require a real estate
17 license. The audit examinations covered a period of time from August 1, 2016, to
18 July 31, 2017. The audit examinations revealed violations of the Code and the Regulations as
19 set forth in the following paragraphs, and as more fully discussed in Audit Report FR-17-0017
20 and the exhibits and workpapers attached to said audit report.

21 AUDIT VIOLATIONS OF THE REAL ESTATE LAW

22 9.

23 In the course of activities described in Paragraph 7 above and during the
24 examination periods described in Paragraph 8 above, Respondents KAREX PROPERTY
25 MANAGEMENT SERVICES and KAREN JACOBSMA acted in violation of the Code and the
26 Regulations in that:

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9(a) As of July 31, 2017, Respondents KAREX PROPERTY

MANAGEMENT SERVICES and KAREN JACOBSMA had a trust fund shortage in the amount of \$55,938.97. KAREX PROPERTY MANAGEMENT SERVICES and KAREN JACOBSMA did not have written consent from the owners of the trust funds to reduce the balance of trust funds to an amount less than the aggregate trust fund liabilities, in violation of Code section 10145 and Regulations section 2832.1.

9(b) Bank accounts used by Respondents KAREX PROPERTY

MANAGEMENT SERVICES and KAREN JACOBSMA for trust funds were not designated as a trust account in violation of Code section 10145 and Regulations section 2832.

9(c) Respondents KAREX PROPERTY MANAGEMENT SERVICES and

KAREN JACOBSMA did not maintain a complete and accurate control record or general ledger of all trust funds received and disbursed, in violation of Code section 10145 and Regulations section 2831.

9(d) Respondents KAREX PROPERTY MANAGEMENT SERVICES and

KAREN JACOBSMA did not maintain a complete and accurate separate record of all trust funds received and disbursed for each beneficiary in connection with Respondents' property management activities, in violation of Code section 10145 and Regulations section 2831.1.

10.

The conduct, acts, or omissions of Respondents KAREX PROPERTY

MANAGEMENT SERVICES and KAREN JACOBSMA, described in Paragraph 9 above, violated the Code and the Regulations as set forth below:

PARAGRAPH

PROVISIONS VIOLATED

9(a)	Code section 10145 and Regulations section 2832.1
9(b)	Code section 10145 and Regulations section 2832
9(c)	Code section 10145 and Regulations section 2831
9(d)	Code section 10145 and Regulations section 2831.1

///

13.

Code section 10148(b) provides, in pertinent part, that the Real Estate Commissioner shall charge a real estate broker for the cost of any audit if the Commissioner has found in a final decision, following a disciplinary hearing, that the broker has violated Code section 10145 or a Regulation or rule of the Commissioner interpreting said Code section.


14.

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 KAREX PROPERTY MANAGEMENT SERVICES, KAREN KAYE JACOBSMA, and REX ALAN JACOBSMA under the Real Estate Law, for the cost of audit, 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 Fresno, California

this 24 day of May, 2019


Brenda Smith
Supervising Special Investigator

cc: KAREX PROPERTY MANAGEMENT SERVICES
KAREN KAYE JACOBSMA
REX ALAN JACOBSMA

Accusation of Karex Property Management Services, Karen Kaye Jacobsma, and Rex Alan Jacobsma

Brenda Smith
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Audits

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