

FILED

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DEPARTMENT OF REAL ESTATE
By

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7
8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12) No. H-3498 FR
13 JUANA MALDONADO PINEDA,)
14) ACCUSATION
Respondent.)

15 The Complainant, RUBEN CORONADO, acting in his official capacity as a
16 Supervising Special Investigator of the State of California, for cause of Accusation against
17 JUANA MALDONADO PINEDA (Respondent), is informed and alleges as follows:

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

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24 At all times herein mentioned, Respondent engaged in the business of, acted in
25 the capacity of, advertised, or assumed to act as a real estate broker within the State of
26 California within the meaning of Section 10131(b) of the Code, including the operation and
27 conduct of a property management business with the public wherein, on behalf of others, for

1 compensation or in expectation of compensation, Respondent leased or rented or offered to
2 lease or rent, or solicited listings of places for rent or solicited for prospective tenants, or
3 negotiated the sale, purchase or exchange of leases on real property, or on a business
4 opportunity, or collected rent from tenants.

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6 Beginning on July 29, 2022, and continuing intermittently through November 30,
7 2022, an audit was conducted of the records of Respondent. The auditor examined the records
8 for the period of January 1, 2021, through June 30, 2022 (the audit period).

9 4

10 Respondent, while acting as a real estate broker, as described in Paragraph 2,
11 accepted or received funds in trust (trust funds) from or on behalf of owners, lessees and others
12 in connection with property management activities, deposited those funds into the following
13 bank account maintained by Respondent, at Wells Fargo, 1300 22nd Street, Bakersfield, CA
14 93301:

TRUST ACCOUNT #1	
Account No.:	XXXXXX3763
Entitled:	JUANA MALDONADO PINEDA DBA EXECUTIVE PROPERTY MANAGEMENT (TRUST ACCOUNT)

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20 and thereafter from time-to-time made disbursement of said trust funds.¹

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

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27 ¹ Originally, Trust Account #1 was set up with the account name, "JUANA MALDONADO-JIMENEZ DBA EXECUTIVE PROPERTY MANAGEMENT (TRUST ACCOUNT)" as indicated by the bank signature card signed November 9, 2012. However, bank statements from the audit period now reflect the account name as described above in Paragraph 4.

1 An accountability was performed on Trust Account #1, and as of May 31, 2022, there was a
2 shortage in the amount of \$37,732.11 revealed, in violation of Section 10145 of the Code;

3 (a) Respondent failed to obtain written permission from owners of trust funds in
4 Trust Account #1, to allow the balances to drop below accountability, in
5 violation of Section 2832.1 of Chapter 6, Title 10, California Code of
6 Regulations (Regulations);

7 (b) Respondent allowed unlicensed persons to be a signatory on Trust Account #1
8 without an adequate fidelity bond, in violation of Section 10145 of the Code,
9 and Section 2834 of the Regulations; and

10 (c) Respondent allowed trust funds to be deposited into Trust Account #1, an
11 interest-bearing account, for multiple beneficiaries when trust funds were not
12 kept separate, distinct and apart from funds belonging to the broker or to any
13 other person for whom the broker holds funds in trust, in violation of Section
14 10145 (d) of the Code and Section 2830.1 of the Regulations; and

15 (d) Respondent caused, suffered, or permitted funds of others which were
16 received and held by Respondent to be commingled with broker funds in
17 excess of \$200 in Trust Account #1, in violation of Section 10176 (e) of the
18 Code, and Section 2835 of the Regulations.

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20 The acts and/or omissions described above constitute violations of Sections
21 2830.1 (Interest Bearing Bank Account Holding Trust Funds), 2832.1 (Written Permission for
22 Balance Below Accountability), 2834 (Trust Fund Signatories), and 2835 (Commingling) of the
23 Regulations, and Sections 10145 (Trust Fund Handling) and 10176 (e) (Commingling) of the
24 Code, and are grounds for discipline under Sections 10176 (e), 10177(d) (Willful Disregard of
25 Real Estate Laws) and/or 10177(g) (Negligence/Incompetence Licensee) of the Code.

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1 COST RECOVERY

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3 Audit Costs

4 The acts and/or omissions of Respondent, as alleged above, entitle the
5 Department to reimbursement of the costs of its audit pursuant to Section 10148(b) (Audit Costs
6 for Trust Fund Handling Violations) of the Code.

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8 Investigation and Enforcement Costs

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

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

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20 
21 RUBEN CORONADO
Supervising Special Investigator

22 Dated at Fresno, California,
23 this 31st day of July, 2023

24 DISCOVERY DEMAND

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