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DEPARTMENT OF REAL ESTATE
By J. Taggart

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

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12 In the Matter of the Accusation of)
13 R & L PROPERTY M., LISA CAROL MOUNT) No. H-3507 FR
14 and TAMMY BELENDA FLEMING,) ACCUSATION
15 Respondents.)

16 The Complainant, RUBEN CORONADO, a Supervising Special Investigator of
17 the State of California, for Accusation against Respondents R & L PROPERTY M (RLPM),
18 LISA CAROL MOUNT (MOUNT) and TAMMY BELENDA FLEMING (FLEMING),
19 sometimes collectively referred to as Respondents, is informed and alleges as follows:

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21 The Complainant makes this Accusation against Respondents in his official
22 capacity.

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24 RLPM is presently licensed and/or has license rights under the Real Estate Law,
25 Part 1 of Division 4, of the California Business and Professions Code (Code), by the Department
26 of Real Estate (Department) as a corporate real estate broker.

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2 MOUNT is presently licensed and/or has license rights by the Department as a
3 real estate broker since September 21, 2021, and as a real estate salesperson from April 4, 2019.

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5 FLEMING is presently licensed and/or has license rights by the Department as a
6 real estate broker:

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8 From and since September 21, 2021, MOUNT was the designated broker-officer
9 of RLPM. As the designated broker-officer, MOUNT was responsible, pursuant to Section
10 10159.2 of the Code, for the supervision of the activities of officers, agents, real estate licensees
11 and employees of RLPM for which a real estate license is required to ensure the compliance of
12 the corporation with the Real Estate law and the Regulations.

13 6

14 At all times herein mentioned, Respondents engaged in the business of, acted in
15 the capacity of, advertised, or assumed to act as real estate brokers within the State of California
16 within the meaning of Section 10131(b) of the Code, including the operation and conduct of a
17 property management business with the public wherein, on behalf of others, for compensation or
18 in expectation of compensation, Respondents leased or rented or offered to lease or rent, or
19 placed for rent, or solicited listings of places for rent, or solicited for prospective tenants, or
20 negotiated the sale, purchase or exchanges of leases on real property, or on a business
21 opportunity, or collected rents from real property, or improvements thereon, or from business
22 opportunities.

23 FIRST CAUSE OF ACTION

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25 Complainant refers to Paragraphs 1 through 6, above, and incorporates the same
26 herein by reference.

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Beginning on August 23, 2022, and continuing intermittently through August 23, 2022, an audit was conducted at RLPM's main office located at 16518 Vineyard Lane, Prather, CA 93651, California, and at the Department's district office located at 2550 Mariposa Mall, Fresno, California, where the auditor examined records for the period of February 1, 2021, through July 31, 2022 (the audit period).

While acting as a real estate broker as described in Paragraph 4, above, and within the audit period, RLPM accepted or received funds in trust (trust funds) from or on behalf of property owners, lessees and others in connection with property management activities, and deposited or caused to be deposited those funds into bank accounts maintained by RLPM, at Central Valley Community Bank, 7100 N. Financial Drive, Suite 101, Fresno CA 93720, as described below:

BANK ACCOUNT #1	
Account No.:	XXX7859
Entitled:	Tammy Belenda Fleming, Inc.

TRUST ACCOUNT #1	
Account No.:	XXX4634
Entitled:	Account

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

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In the course of the activities described in Paragraph 4, in connection with the collection and disbursement of trust funds, it was determined that:

- (a) RLPM 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) An accountability was performed on Trust Account #1, and as of June 30, 2022, a shortage of \$200 was revealed in violation of Section 10145 of the Code;
- (c) RLPM failed to obtain written permission from owners of trust funds in Trust Account #1 to allow the balance to drop below accountability, in violation of Section 2832.1 of the Regulations;
- (d) RLPM allowed an unlicensed and un-bonded individual to be a signatory on Trust Account #1, in violation of Section 2834 of the Regulations; and
- (e) RLPM conducted real estate activities under the name "R & L Property Management," which was not licensed by the Department as a fictitious business name, in violation of Section 10130 of the Code.

The acts and/or omissions described above constitute violations of Sections 2832 (trust fund designation), 2832.1 (written permission balance below accountability) and 2834 (trust fund signatories) of the Regulations and of Sections 10130 (licensed activity) and 10145 (trust fund handling) of the Code and are grounds for discipline under Section 10177(d) (willful disregard of real estate laws) and 10177(g) (negligence/incompetence licensee) of the Code.

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1 SECOND CAUSE OF ACTION

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3 Complainant refers to Paragraphs 1 through 11, above, and incorporates the same
4 herein by reference.

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6 On or about May 1, 2019, MOUNT signed a property management agreement
7 with an owner under the name R & L Property Management.

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9 The name R & L Property Management was used by FLEMING and was not
10 registered by the Department as a fictitious business name.

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12 At the time set forth in Paragraph 13, above, MOUNT was a real estate
13 salesperson, not a real estate broker.

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15 The acts and/or omissions of MOUNT described above constitute violations of
16 Sections 10130 (licensed activity) and 10131(b) (broker activity) of the Code and are grounds
17 for discipline under Sections 10130, 10177(d) (willful disregard of real estate laws), and
18 10177(g) (negligence/incompetence licensee) of the Code.

19 The acts and/or omissions of FLEMING, described above constitute violations of
20 Section 2731 (fictitious business name) of the Regulations and of Sections 10159.5 (fictitious
21 bus name) and are grounds for discipline under Section 10177(d) (willful disregard of real estate
22 laws) and 10177(g) (negligence/incompetence licensee) of the Code.

23 THIRD CAUSE OF ACTION

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25 Complainant refers to Paragraphs 1 through 16, above, and incorporates the
26 same, herein, by reference.

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At all times herein above mentioned, MOUNT was responsible as the supervising designated broker/officer for RLPM, for the supervision and control of the activities conducted on behalf of RLPM's business by its employees to ensure its compliance with the Real Estate Law and Regulations. MOUNT failed to exercise reasonable supervision and control over the property management activities of RLPM. In particular, MOUNT permitted, ratified and/or caused the conduct described above to occur and failed to take reasonable steps, including, but not limited to, the handling of trust funds, supervision of employees, and the implementation of policies, rules, and systems to ensure the compliance of the business with the Real Estate Law and the Regulations.

The above acts and/or omissions of MOUNT violate Section 2725 of the Regulations and Section 10159.2 (responsibility/designated officer) of the Code and constitute grounds for disciplinary action under the provisions of Sections 10177(d), 10177(g) and 10177(h) (broker supervision) of the Code.

Audit Costs

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


Costs of Investigation and Enforcement

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 imposing disciplinary action against all licenses and license rights of Respondents under the Real Estate Law and for such other and further relief as may be proper under other provisions of law.



RUBEN CORONADO
Supervising Special Investigator

Dated at Fresno, California,
this 20th day of June, 2023.

DISCOVERY DEMAND

The Department of Real Estate hereby requests discovery pursuant to Section 11507.6 of the California Government Code. Failure to provide discovery to the Department may result in the exclusion of witnesses and/or documents at the hearing, and other sanctions as the Administrative Law Judge deems appropriate.