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FILED

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DEPARTMENT OF REAL ESTATE
By B. Nicholas

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of:)
12) No. H-3551 FR
13 BENGARD REALTY, PAUL TUCKER)
14 BECKETT, DANIELLE ERLINA JACQUEZ, and)
15 PATRICIA G. JENKINS) ACCUSATION
16 Respondents.)
17)

18 The Complainant, RUBEN CORONADO, acting in his official capacity as a
19 Supervising Special Investigator of the State of California, for this Accusation against
20 BENGARD REALTY ("BENGARD"), PAUL TUCKER BECKETT ("BECKETT"),
21 DANIELLE ERLINA JACQUEZ ("JACQUEZ"), and PATRICIA G. JENKINS ("JENKINS"),
22 sometimes collectively referred to as Respondents, is informed and alleges as follows:

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24 BENGARD REALTY is presently licensed and/or has license rights under the
25 Real Estate Law, Part 1 of Division 4 of the Business and Professions Code ("Code"), by the
26 Department of Real Estate ("Department") as a corporate real estate broker. During the period
27 between July 16, 2022, and October 15, 2022, BENGARD's corporate real estate broker license
was expired ("BENGARD's unlicensed period").

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BECKETT is presently licensed and/or has license rights under the Code as a real estate broker. Prior to and after BENGARD's unlicensed period, BECKETT was the designated officer for BENGARD. As the designated officer, BECKETT was responsible, pursuant to Section 10159.2 of the Code, for the supervision of the activities of officers, agents, real estate licensees and employees of BENGARD for which a real estate license is required to ensure the compliance of the corporation with the Real Estate Law and the Regulations.

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JACQUEZ is presently licensed and/or has license rights under the Code as a real estate salesperson. During the period between July 16, 2022, and October 13, 2022, JACQUEZ was not affiliated with a broker, and she could not perform licensed activity. During the period between October 13, 2022, and November 13, 2022, JACQUEZ was affiliated with BECKETT. During the period between November 14, 2022, and January 21, 2023, JACQUEZ was affiliated with BENGARD. During the period between January 21, 2023, and March 16, 2023, JACQUEZ's real estate salesperson license was expired, and she could not perform licensed activity.

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JENKINS is presently licensed and/or has license rights under the Code as a real estate salesperson. During the period between July 8, 2022, and March 20, 2023, JENKINS' real estate salesperson license was expired, and she could not perform licensed activity.

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At all times mentioned, Respondents engaged in the business of, acted in the capacity of, advertised, or assumed to act as a 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, Respondents leased or rented or offered to lease or rent, or placed for rent, or solicited listings of places for rent, or solicited for prospective tenants, or

1 negotiated the sale, purchase or exchange of leases on real property, or on a business
2 opportunity, or collected rents from real property, or improvements thereon, or from business
3 opportunities.

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5 Whenever acts referred to below are attributed to Respondents, those acts are
6 alleged to have been done by Respondents, acting by themselves, or by and/or through one or
7 more known or unknown agents, associates, and/or co-conspirators.

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9 On or about August 31, 2023, the Department completed its audit (OK22-0064) of
10 the books and records of BENGARD's property management activities described above in
11 Paragraph 5. The auditor examined property management records for the period of September 1,
12 2021, through February 28, 2023 ("the audit period").

13 FIRST CAUSE OF ACTION

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15 Complainant refers to Paragraphs 1 through 7, above, and incorporates the same,
16 herein.

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18 While acting as a real estate broker as described in Paragraph 5, above, and within
19 the audit period, Respondents accepted or received funds in trust ("trust funds") from or on
20 behalf of property owners, lessees and others in connection with property management activities,
21 and deposited or caused to be deposited those funds into bank accounts maintained by
22 Respondents at Mechanics Bank, 532 Broadway Street, King City, CA 93930, as described
23 below:

TRUST ACCOUNT #1 ("T/A1")	
Account No.:	XXXX5016
Entitled:	Bengard Realty Real Estate Trust Account

BANK ACCOUNT #1 ("B/A1")	
Account No.:	XXXX7020
Entitled:	Bengard Realty Bengard Securities
BANK ACCOUNT #2 ("B/A2")	
Account No.:	XXXX5784
Entitled:	Bengard Realty Bengard Yarborough Acct.

And thereafter from time to time made disbursements of said trust funds.

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In the course of the activities described in Paragraph 5, in connection with the collection and disbursement of trust funds, it was determined that:

- (a) An accountability was performed on account T/A1, and as of January 31, 2023, a shortage of \$72,686.88 was revealed in violation of Section 10145(a) (handling of trust funds) of the Code;
- (b) An accountability was performed on account B/A1, and as of January 31, 2023, a shortage of \$38,890.76 was revealed in violation of Section 10145(a) of the Code;
- (c) An accountability was performed on account B/A2, and as of January 31, 2023, a shortage of \$11,058.08 was revealed in violation of Section 10145(a) of the Code;
- (d) Respondents failed to obtain written permission from the owners of the trust funds in account T/A1, B/A1, and B/A2, to allow the balances to drop below accountability, in violation of Section 2832.1 (trust fund handling for multiple beneficiaries) of Title 10, Chapter 6, California Code of Regulations ("Regulations").
- (e) During the audit period, B/A1 and B/A2, accounts that were used to hold trust funds, were not properly designated as trust accounts in

1 violation of Section 10145(a) of the Code and Section 2832 (trust fund
2 handling) of the Regulations; and

3 (f) During the audit period and without fidelity bonds for JACQUEZ or
4 JENKINS, bank signature cards for T/A1, B/A1, and B/A2 listed
5 JACQUEZ and JENKINS as authorized signers during periods of time
6 they were not properly licensed to be signers without a fidelity bond in
7 violation of Section 10145(a) and Regulation 2834 (trust account
8 withdrawals).

9 11

10 The act and/or omissions described above constitute violations of Sections
11 2832, 2832.1, and 2834 of the Regulations and Section 10145 of the Code, and are
12 grounds for discipline under the aforementioned Section and/or Sections 10177(d)
13 (willful disregard of real estate laws) and 10177(g) (negligence/incompetence licensee) of
14 the Code.

15 SECOND CAUSE OF ACTION

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17 Complainant refers to Paragraphs 1 through 11, above, and incorporates the
18 same, herein.

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20 During the periods of time when JACQUEZ and JENKINS were unlicensed or
21 not affiliated with a broker, JACQUEZ and JENKINS performed licensed acts in expectation of
22 compensation and/or received compensation in violation of Sections 10130 (license required)
23 and 10137 (unlawful compensation) of the Code.

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25 The acts and/or omissions as described above constitute grounds for the
26 suspension or revocation of the license and license rights of Respondents pursuant to Sections
27 10137, 10177(d), and/or 10177(g) of the Code.

1 THIRD CAUSE OF ACTION

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3 Complainant refers to Paragraphs 1 through 14, above, and incorporates the
4 same, herein.

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

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16 The above acts and/or omissions of BECKETT violate Section 2725 (broker
17 supervision) of the Regulations and Section 10159.2 (responsibility/designated officer) of the
18 Code and constitute grounds for disciplinary action under the provisions of Sections 10177(d),
19 10177(g) and 10177(h) (broker supervision) of the Code.

20 COSTS OF INVESTIGATION AND ENFORCEMENT

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

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

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, for the cost of investigation and enforcement as permitted by 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 31st day of July, 2024.

DISCOVERY DEMAND

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