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**FILED**

JUL 25 2024

DEPARTMENT OF REAL ESTATE  
By B. M. de la Cruz

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 ) No. H-3557 FR  
13 ROGER NEAL LAMPKIN, )  
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 this Accusation against ROGER  
17 NEAL LAMPKIN ("LAMPKIN"), sometimes referred to as Respondent, is informed and alleges  
18 as follows:

19 1

20 LAMPKIN is presently licensed and/or has license rights under the Real Estate  
21 Law, Part 1 of Division 4 of the Business and Professions Code ("Code"), by the Department of  
22 Real Estate ("Department") as a real estate broker.

23 2

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

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

5 3

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

9 4

10 On or about April 11, 2024, the Department completed its audit of the books and  
11 records of LAMPKIN's property management activities described above in Paragraph 2. The  
12 auditor examined the property management records for the period of June 1, 2022, through  
13 November 30, 2023("the audit period").

14 5

15 While acting as a real estate broker as described in Paragraph 2, above, and within  
16 the audit period, LAMPKIN accepted or received funds in trust ("trust funds") from or on behalf  
17 of property owners, lessees and others in connection with property management activities, and  
18 deposited or caused to be deposited those funds into bank accounts maintained by LAMPKIN at  
19 WestAmerica Bank, 811 Center Street, Taft, CA 93268, as described below:

TRUST ACCOUNT #1 ("T/A1")	
Account No.:	XXXXXX4333
Entitled:	Cynthia Ellen Nichols DBA Manage That Real Estate Sales & Management Common Client Trust Account

24 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 2, above, in connection with the collection and disbursement of trust funds, an accountability was performed on T/A1, and as of October 31, 2023, a shortage of \$39,447.36 was revealed in violation of Section 10145(a) (handling of trust funds) of the Code. Respondent failed to obtain written permission from the owners of the trust funds in account T/A1, 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")

During the audit period, activities requiring a license were performed at 330 Philippine Street, Taft, CA 93268, which was not registered as a branch office as required by Section 10163 of the Code.

Between June 1, 2022, and December 12, 2022, Respondent was performing licensed activity using the unlicensed fictitious business name "Manage That Real Estate Sales & Management" in violation of Section 2731 of the Regulations and Section 10159.5 of the Code.

#### GROUND FOR DISCIPLINE

The acts and/or omissions described above in Paragraphs 2 through 8 are grounds for discipline under Sections 10177(d) (willful disregard of real estate laws), and/or 10177(g) (negligence or incompetence) 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

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1 part to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the  
2 case.

3 11

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

6 WHEREFORE, Complainant prays that a hearing be conducted on the allegations  
7 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary  
8 action against all licenses and license rights of Respondent under the Real Estate Law, for the  
9 cost of investigation and enforcement as permitted by law, and for such other and further relief  
10 as may be proper under other provisions of law.

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12   
13 RUBEN CORONADO  
14 Supervising Special Investigator

15 Dated at Fresno, California,  
16 this 22<sup>nd</sup> day of July, 2024.

17  
18 DISCOVERY DEMAND

19  
20 Pursuant to Sections 11507.6, *et seq.* of the *Administrative Procedure Act*, the  
21 Department hereby makes demand for discovery pursuant to the guidelines set forth in the  
22 *Administrative Procedure Act*. Failure to provide Discovery to the Department may result in the  
23 exclusion of witnesses and documents at the hearing or other sanctions that the Office of  
24 Administrative Hearings deems appropriate.