

DIANE LEE, Counsel (SBN 247222)  
Bureau of Real Estate  
320 West 4th Street, Suite 350  
Los Angeles, California 90013

Telephone: (213) 576-6982  
(Direct) (213) 576-6907

FILED

NOV 14 2016

BUREAU OF REAL ESTATE

By ADL

BEFORE THE BUREAU OF REAL ESTATE  
STATE OF CALIFORNIA

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|                                    |   |                            |
|------------------------------------|---|----------------------------|
| In the Matter of the Accusation of | ) | No. H-04853 SD             |
|                                    | ) |                            |
| PROJECT MANAGEMENT                 | ) |                            |
| SUPPORT SERVICES, INC.; and        | ) |                            |
| AMY CORINNE LUJAN,                 | ) | <u>A C C U S A T I O N</u> |
| individually and as designated     | ) |                            |
| officer of Project Management      | ) |                            |
| Support Services, Inc.,            | ) |                            |
|                                    | ) |                            |
| Respondents.                       | ) |                            |

The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the State of California, acting in her official capacity, for cause of Accusation against PROJECT MANAGEMENT SUPPORT SERVICES, INC. ("PMSSI") and AMY CORINNE LUJAN ("LUJAN"), individually and as designated officer of PMSSI, is informed and alleges as follows:

1.

The Complainant, Veronica Kilpatrick, acting in her official capacity as Supervising Special Investigator of the State of California, makes this Accusation.

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1 2.

2 All references to the "Code" are to the California Business and Professions  
3 Code, and all references to "Regulations" are to Title 10, Chapter 6, California Code of  
4 Regulations unless otherwise specified.

5 3.

6 PROJECT MANAGEMENT SUPPORT SERVICES, INC.: From on or about  
7 March 2, 2013 through the present, Respondent PMSSI has been and currently is licensed by  
8 the Bureau of Real Estate as a real estate corporate broker (license no. 01929771). At all times  
9 mentioned herein, Respondent LUJAN has been and currently is the designated officer of  
10 PMSSI.

11 4.

12 AMY CORINNE LUJAN: From on or about October 1, 2007 through the  
13 present, Respondent LUJAN has been and currently is licensed by the Bureau of Real Estate as  
14 a real estate broker (license no. 01477031). Previously, from February 23, 2005 to September  
15 30, 2007, Respondent LUJAN was licensed by a Bureau of Real Estate as a real estate  
16 salesperson.

17 5.

18 At all times mentioned, in the County of San Diego, PMMSI and LUJAN  
19 engaged in the business of a real estate broker conducting licensed activities within the meaning  
20 of Code section 10131(b). PMMSI and LUJAN engaged in operating a real property  
21 management company by leasing, renting, and/or offering to rent places for rent, soliciting for  
22 prospective tenants, and/or collecting rents from real property.

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1 FIRST CAUSE OF ACCUSATION

2 (Trust Fund Audit)

3 6.

4 On or about April 21, 2015, the Bureau of Real Estate completed a property  
5 management audit examination of the books and records of PMMSI limited to determine  
6 whether PMMSI handled and accounted for trust funds and conducted its real estate activities in  
7 accordance with the Real Estate Law and Regulations. The audit examination covered a period  
8 of time beginning on April 1, 2012 and ended on November 30, 2014. The audit examination  
9 revealed violations of the Code and the Regulations set forth in the following paragraphs, and  
10 more fully discussed in Audit Report SD140029 and the exhibits and work papers attached to  
11 said audit report.

12  
13 Bank Accounts

14 7.

15 At all times mentioned, in connection with the activities described in Paragraph  
16 5, above, PMMSI accepted or received funds including funds in trust ("trust funds") from or on  
17 behalf of actual or prospective parties, such as owners of real property, involved in property  
18 management services, and thereafter made deposits and/or disbursements of such funds. From  
19 time to time herein mentioned, during the audit period, said trust funds were deposited and/or  
20 maintained by PMMSI in the bank accounts as follows:

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22 ///

23 ///

24 ///

25 ///

26 ///

1 "Project Management Support Services, Inc. DBA Management Solutions"  
2 \*\*\*\*\*9422

3 JP Morgan Chase Bank  
2551 5th Ave.  
San Diego, CA 92103 (BA #1)

4 "Project Management Support Services, Inc. DBA Management Solutions"  
5 \*\*\*\*\*2310

6 JP Morgan Chase Bank  
2551 5th Ave.  
San Diego, CA 92103 (BA #2)

7 "Project Management Support Services, Inc. DBA Management Solutions"  
8 \*\*\*\*\*4596

9 JP Morgan Chase Bank  
2551 5th Ave.  
10 San Diego, CA 92103 (BA #3)

11  
12 8.

13 In the course of activities described in Paragraphs 5 and 7, above, and during the  
14 audit examination period in Paragraph 6, above, Respondents PMMSI and LUJAN acted in  
15 violation of the Code and the Regulations as set forth below:

16 (a) Failed to designate BA #1, BA #2, and BA #3 as trust accounts even  
17 though they held trust funds, in violation of Code section 10145 and Regulations section 2832.

18 (b) Failed to maintain accurate control records of all trust funds received,  
19 deposited, and disbursed for BA #1 and BA #3, in violation of Code section 10145 and  
20 Regulation 2831.

21 (c) Permitted Yamel Altagracia Ramirez ("Ramirez") (license no.  
22 01332052), who was not employed by PMMSI, to make withdrawals on BA #1 and BA #3, in  
23 violation of Code section 10145 and Regulations section 2834.

24 (d) Engaged in the business of a real estate broker by providing residential  
25 rental services during the period from April 1, 2012 to March 1, 2013 when it was not licensed  
26 by the Bureau of Real Estate, in violation of Code section 10130.

1 (e) Failed to timely notify the Bureau of Real Estate of the employment of  
2 Robin Lynn Gunning ("Gunning") (license no. 01928818), in violation of Code section 10161.8  
3 and Regulations section 2752.

4 9.

5 The conduct of Respondents PMMSI and LUJAN described in Paragraph 8,  
6 above, violated the Code and the Regulations as set forth below:

7 PARAGRAPH

PROVISIONS VIOLATED

|         |                                                   |
|---------|---------------------------------------------------|
| 8 8(a)  | Code section 10145 and Regulations section 2832   |
| 9 8(b)  | Code section 10145 and Regulation 2831            |
| 10 8(c) | Code section 10145 and Regulations section 2834   |
| 11 8(d) | Code section 10130                                |
| 12 8(e) | Code section 10161.8 and Regulations section 2752 |

13 The foregoing violations constitute cause for discipline of the real estate license and license  
14 rights of Respondent PMMSI and LUJAN under the provisions of Code sections 10177(d) and  
15 10177(g) and/or 10177(j).

16  
17 SECOND CAUSE OF ACCUSATION

18 (Fiduciary Duty)

19 10.

20 Based on the above Causes of Accusation, Respondent LUJAN did not exercise  
21 reasonable control and supervision over the activities conducted on behalf of PMSSI and by its  
22 employees and/or licensees as necessary to secure full compliance with real estate laws, which  
23 constitutes a breach of fiduciary duty with respect to his real estate consumers and clientele,  
24 including property owners and tenants. Respondent LUJAN's conduct and violations are cause  
25 for the suspension or revocation of the real estate license and license rights of Respondent  
26 LUJAN pursuant to Code sections 10159.2 and 10177(h) and Regulations section 2725.

1 THIRD CAUSE OF ACCUSATION

2 (Negligence)

3 11.

4 The overall conduct of Respondent LUJAN constitutes negligence and is cause  
5 for discipline of the real estate license and license rights of LUJAN pursuant to the provisions  
6 of Code section 10177(g).

7  
8 (COSTS)

9 12.

10 Code section 10106 provides, in pertinent part, that in any order issued in  
11 resolution of a disciplinary proceeding before the Bureau of Real Estate, the Commissioner may  
12 request the administrative law judge to direct a licensee found to have committed a violation of  
13 this part to pay a sum not to exceed the reasonable costs of investigation and enforcement of the  
14 case.

15 13.

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

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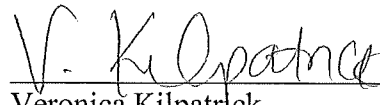
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1 WHEREFORE, Complainant prays that a hearing be conducted on the  
2 allegations of this Accusation and that upon proof thereof, a decision be rendered imposing  
3 disciplinary action against the license and license rights of PROJECT MANAGEMENT  
4 SUPPORT SERVICES, INC. and AMY CORINNE LUJAN under the Real Estate Law (Part 1  
5 of Division 4 of the California Business and Professions Code), for the cost of investigation and  
6 enforcement pursuant to Code section 10106 and as permitted by law, and for such other and  
7 further relief as may be proper under other applicable provisions of law, including costs of audit  
8 pursuant to Code section 10148(b).

9 Dated at San Diego, California: November 3, 2016.

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11   
12 Veronica Kilpatrick  
13 Deputy Real Estate Commissioner  
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16  
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18  
19  
20  
21

22 cc: Project Management Support Services, Inc.  
23 Amy Corinne Lujan  
24 Veronica Kilpatrick  
25 Sacto  
26 Enforcement  
27 Audits – Isabel Beltran