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FILED
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DEPARTMENT OF REAL ESTATE
By R. Mat

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8
9 BEFORE THE DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)
13) NO. H-5645 SAC
14 DANIKA J. MC LEAN and,)
15 JAMES WILLIAM BROWN,) ACCUSATION
16 Respondents.)

17 The Complainant, TRICIA D. SOMMERS, a Deputy Real Estate Commissioner
18 of the State of California, for Accusation against Respondents DANIKA J. MC LEAN
19 (MC LEAN) and JAMES WILLIAM BROWN (BROWN) is informed and alleges as follows:

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

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24 At all times herein BROWN was licensed by the Department of Real Estate (the
25 Department) as a real estate broker.

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2 At all times herein MC LEAN was licensed by the Department as a real estate
3 salesperson.

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5 From May 28, 2010 through July 1, 2010, MC LEAN wasn't affiliated with a
6 corporate or individual real estate broker.

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8 At all times herein mentioned, BROWN engaged in the business of, acted in the
9 capacity of, advertised, or assumed to act as a real estate broker within the State of California
10 within the meaning of Section 10131(a), including the operation and conduct of a residential
11 resale brokerage wherein Respondents bought, sold, or offered to buy or sell, solicited or
12 obtained listings of, and negotiated the purchase, sale or exchange of real property or business
13 opportunities, all for or in expectation of compensation.

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15 At all times herein mentioned, MC LEAN engaged in the business of, acted in
16 the capacity of, advertised, or assumed to act as a real estate broker within the State of
17 California within the meaning of Section 10131(d) of the Business and Professions Code
18 (Code), including the operation and conduct of a property management business with the public
19 wherein, on behalf of others, MC LEAN managed property for various property owners,
20 including but not limited to that certain real property known as 2884 Harness, Georgetown,
21 California, 5423 Wentworth Spring Road, Georgetown, California, 3146 Brauer Road,
22 Georgetown, California and 3150 Fain Lane, Georgetown, California, all for or in expectation of
23 compensation.

24 FIRST CAUSE OF ACTION

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

Beginning on or about April 1, 2009, through September 1, 2010, MC LEAN, while representing that she was licensed as a real estate broker and was acting under the name of Great American Mortgage and Real Property, solicited various property owners to manage their rental property. In doing so, MC LEAN executed property management agreements with owners and completed standard residential month to month leases on behalf of these owners and signed the same. MC LEAN collected the rent directly from owners, rather than on behalf of her broker of record and did not place rent into a trust account.

MC LEAN managed the following rental property, all located in Georgetown, California:

BEG. DATE	OWNER	PROPERTY ADDRESS
04/01/09	Glen/Madeline Franke	3150 Fain Lain
04/17/09	Rick Clark	31476 Brauer Road
05/12/09	Cindy Cullen	2884 Harness
09/01/10	Miles Crail	6523 Wentworth Spring Road

The representations made by MC LEAN to owners set out above were false, and MC LEAN knew that they were false when those representations were made. The true facts were: that MC LEAN was not licensed as a real estate broker and was not authorized to perform real estate activities under the name Great American Mortgage and Real Property and that MC LEAN made such misrepresentations to fraudulently induce owners to retain them to manage their rental properties.

The facts alleged above constitute cause for the suspension or revocation of the licenses and license rights of Respondent MC LEAN under Section 2832 (Trust Fund Handling) of the Code and Sections 10130 (Acts requiring Real Estate License) and 10176(a) (Substantial

1 Misrepresentation) of the Code and are grounds for disciplinary action under Sections 10176(a),
2 10177(d) (Willful Disregard/Violation Real Estate Law) and 10177(g)
3 (Negligence/Incompetence Real Estate Licensee).

4 SECOND CAUSE OF ACTION

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6 Complaint refers to Paragraphs 1 through 11, above, and incorporates the same,
7 herein, by reference.

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9 BROWN conducted real estate activities through a branch office located at 6322
10 Highway 193, No. 3, Georgetown, California. BROWN failed to notify the Department that he
11 had established a branch office.

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13 BROWN's main office address on his individual broker license record was 313
14 Judah Street, Suite 1, Roseville, California.

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16 Department Deputy Commissioners visited this office in an attempt to meet with
17 BROWN pursuant to the investigation of a complaint and observed that there was no one in the
18 office and it appeared to be abandoned.

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20 BROWN has failed to notify the Department that he has abandoned or moved his
21 main office.

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23 The facts alleged above constitute cause for the suspension or revocation of the
24 licenses and license rights of Respondent BROWN under Sections 10162 (Notify Department of
25 Branch Office) and 10163 (Main Office Address) of the Code and are grounds for disciplinary
26 action under Sections 10177(d) (Willful Disregard/Violation Real Estate Law) and 10177(g)
27 (Negligence/Incompetence Real Estate Licensee).

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 all licenses and license rights of Respondent under the Real Estate
4 Law (Part 1 of Division 4 of the Business and Professions Code), and for such other and further
5 relief as may be proper under other provisions of law.

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8 TRICIA D. SOMMERS
9 Deputy Real Estate Commissioner

10 Dated at Sacramento, California,
11 this 21st day of July, 2011.
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