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DEPT. OF REAL ESTATE
By- [REDACTED]

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of	)	No. H-05815 SD
	)	
HORIZON REAL ESTATE HOLDING INC,	)	<u>A C C U S A T I O N</u>
doing business as Joe Carta Realty, and	)	
JOSEPH WILLIAM CARTA,	)	
doing business as Century 21 Horizon,	)	
individually and as designated officer of	)	
Horizon Real Estate Holding Inc,	)	
	)	
Respondents.	)	
	)	

The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the State of California, for cause of Accusation against HORIZON REAL ESTATE HOLDING INC, doing business as Joe Carta Realty, and JOSEPH WILLIAM CARTA, doing business as Century 21 Horizon, individually and as designated officer of Horizon Real Estate Holding Inc ("Respondents"), is informed and alleges as follows:

1.

The Complainant, Veronica Kilpatrick, acting in her official capacity as a Supervising Special Investigator of the State of California, makes this Accusation against Respondents HORIZON REAL ESTATE HOLDING INC and JOSEPH WILLIAM CARTA.

Accusation of HORIZON REAL ESTATE HOLDING INC and JOSEPH WILLIAM CARTA

1 2.

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

4 LICENSE HISTORY

5 3.

6 Respondent HORIZON REAL ESTATE HOLDING INC ("HORIZON")
7 presently has license rights under the Real Estate Law, Part 1 of Division 4 of the Code as a
8 corporate real estate broker.

9 4.

10 Respondent JOSEPH WILLIAM CARTA ("CARTA") presently has license
11 rights as a real estate broker.

12 5.

13 From May 12, 2016 to the present, Respondent HORIZON is licensed by the
14 Department of Real Estate ("Department") as a corporate real estate broker by and through
15 Respondent CARTA, as the designated officer and broker responsible, pursuant to Code
16 section 10159.2, for supervising the activities requiring a real estate license conducted on
17 behalf of HORIZON, or by HORIZON'S officers, agents and employees.

18 BROKERAGE

19 HORIZON REAL ESTATE HOLDING INC

20 6.

21 At all times mentioned, in the City of San Diego, County of San Diego,
22 Respondent HORIZON acted as a real estate broker, conducting licensed activities within the
23 meaning of Code section 10131(b) (leases or rents real property for others).

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1 9(a) As of February 28, 2023, Respondent HORIZON had a trust fund
2 shortage in the amount of \$77,084.08 in Bank Account 1 and a trust fund shortage in the
3 amount of \$246,363.97 in Bank Account 2. HORIZON did not have written consent from the
4 owners of the trust funds to reduce the balance of trust funds to an amount less than the
5 aggregate trust fund liabilities, in violation of Code section 10145 and Regulations
6 section 2832.1.

7 9(b) Respondent HORIZON did not maintain a complete and accurate control
8 record or general ledger of all trust funds received and disbursed, in violation of Code
9 section 10145 and Regulations section 2831.

10 9(c) Respondent HORIZON did not maintain a complete and accurate
11 separate record of all trust funds received and disbursed for each beneficiary in connection with
12 HORIZON'S broker activities, in violation of Code section 10145 and Regulations
13 section 2831.1.

14 9(d) Respondent HORIZON did not perform and maintain a monthly
15 reconciliation of all the separate records with the control record of all trust funds received and
16 disbursed, in violation of Code section 10145 and Regulations section 2831.2.

17 9(e) Bank Account 1 and Bank Account 2 used by Respondent HORIZON
18 for trust funds were not designated as trust accounts and were not in the name of HORIZON as
19 trustee or a fictitious name held by HORIZON'S real estate license as trustee, in violation of
20 Code section 10145 and Regulations section 2832.

21 9(f) On or about June 2, 2022, Respondent HORIZON performed
22 unauthorized disbursements from Bank Account 2 to Bank Account 1 in the total amount of
23 \$11,100.00, in violation of Code sections 10145 and 10176(i).

24 9(g) The conduct, acts, or omissions of Respondent CARTA, as described in
25 Paragraph 9, in failing to ensure compliance of the Real Estate Law by Respondent
26 HORIZON'S officers, agents and employees, is in violation of Code section 10159.2 and
27 Regulations section 2725.

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10.

The conduct, acts, or omissions of Respondents HORIZON and CARTA, described in Paragraph 9 above, violated the Code and the Regulations as set forth below:

<u>PARAGRAPH</u>	<u>PROVISIONS VIOLATED</u>
9(a)	Code section 10145 and Regulations section 2832.1 (HORIZON)
9(b)	Code section 10145 and Regulations section 2831 (HORIZON)
9(c)	Code section 10145 and Regulations section 2831.1 (HORIZON)
9(d)	Code section 10145 and Regulations section 2831.2 (HORIZON)
9(e)	Code section 10145 and Regulations section 2832 (HORIZON)
9(f)	Code sections 10145 and 10176(i) (HORIZON)
9(g)	Code section 10159.2 and Regulations section 2725 (CARTA)

The foregoing violations constitute cause for the suspension or revocation of all the licenses, license endorsements, and license rights of Respondent HORIZON under the Real Estate Law pursuant to the provisions of Code sections 10176(i), 10177(d), and 10177(g).

The foregoing violations constitute cause for the suspension or revocation of all the licenses, license endorsements, and license rights of Respondent CARTA under the Real Estate Law pursuant to the provisions of Code sections 10177(d), 10177(g), and 10177(h).

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11.

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

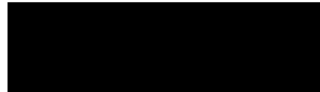
12.

Code Section 10106 provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Department of Real Estate, 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.

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 the licenses, license endorsements, and license rights of Respondents HORIZON REAL ESTATE HOLDING INC and JOSEPH WILLIAM CARTA under the Real Estate Law, for the cost of audit, investigation, and enforcement as permitted by law, and for such other and further relief as may be proper under other applicable provisions of law.

Dated at San Diego, California

this 12th day of September, 2024


Veronica Kilpatrick
Supervising Special Investigator

cc: HORIZON REAL ESTATE HOLDING INC
JOSEPH WILLIAM CARTA
Veronica Kilpatrick

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Audits

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