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FILED
FEB 27 2025
DEPT. OF REAL ESTATE
By [redacted]

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of MONEY PROPERTY, INC., and MAYRA SWANSON, individually and as designated officer of Money Property, Inc., Respondent(s).	No. H-005865 SD ACCUSATION

The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the State of California, for cause of Accusation against MONEY PROPERTY, INC. and MAYRA SWANSON (collectively "Respondents") alleges as follows:

1.

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

2.

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

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LICENSE HISTORY

3.

(MONEY PROPERTY, INC.)

(a) Respondent MONEY PROPERTY, INC. ("MPI") is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code, as a real estate corporation ("REC"), Department license ID 02067602.

(b) The Department originally issued MPI's REC license on or about July 11, 2018. MPI's REC license is scheduled to expire on July 10, 2026, unless renewed.

(c) According to the Department's records, MPI maintains no authorized fictitious business name.

(d) According to the Department's records to date, MPI's main office address is 355 Third Ave, Ste 101, Chula Vista, CA 91910.

4.

(MAYRA SWANSON)

(a) Respondent MAYRA SWANSON ("SWANSON") is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code, as a real estate broker ("REB"), Department license ID 01501431.

(b) The Department originally issued SWANSON's REB license on or about March 13, 2009. SWANSON's license is scheduled to expire on March 12, 2025, unless renewed.

(c) SWANSON was, and is currently, the designated officer for MPI since July 11, 2018.

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LICENSED ACTIVITIES

5.

At all times relevant herein Respondents were engaged in the business of, acted in the capacity of, advertised or assumed to act as a real estate corporation, within the meaning of Section 10131 (b) of the Code. Respondents' activities included the leasing or renting of real property and the collection of rents and security deposits for real property on behalf of others for compensation or in expectation of compensation.

6.

(AUDIT SD230031)

On or about December 30, 2024, the Department completed an audit examination of the books and records of Respondents pertaining to the property management activities described in Paragraph 5 above. The audit examination covered the period of time from September 1, 2021 through March 31, 2024 ("audit period"). The primary purpose of the examination was to determine whether Respondents conducted real estate activities that complied with the Real Estate Law. The audit examination revealed violations of the Code and the Regulations as set forth in the following paragraphs, and more fully discussed in Audit No. SD230031, and the exhibits and work papers attached to said audit report.

7.

At all times mentioned herein, and in connection with the property management activities described in Paragraph 5, above, Respondents accepted or received funds, including funds in trust ("trust funds") from or on behalf of actual or prospective parties to transactions handled by Respondents and thereafter made deposits and/or disbursements of such funds. According to the documents provided, Respondents maintained one (1) bank account for handling of the receipts and disbursements of funds during the audit period in connection with the property management activities as well as a general account for business purposes. The bank account is as follows:

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Trust Account 1 ("TA 1")

Bank: Enterprise Bank and Trust

Account Name: Money Property Inc, as Trustee, Client Trust

Account Number: xxxxxxxx9630

Signatories: Mayra J. Swanson

Signatures Required: One

Purpose: TA 1 was maintained to handle trust funds in the property management activities for multiple beneficiaries, including, but not limited to, rents and security deposits. Disbursements from TA 1 were also payments for expenses related to property managed, owner remittances and to MPI for management fees. TA 1 was opened on May 30, 2018.

Violations of the Real Estate Law

8.

The audit examination revealed violations of the Code and the Regulations, as set forth in the following paragraphs, and more fully discussed in Audit Report No. SD240007, and the exhibits and work papers attached to the audit report:

(a) **Trust Fund Handling For Multiple Beneficiaries (Code section 10145 and Regulations sections 2832.1)**. Based on an examination of TA 1's records, there was a combined minimum trust fund shortage of $27,976.02 as of March 31, 2024 in violation of Code section 10145 and Regulations sections 2832.1. There is no evidence that Respondents were given written consent from the owners of the trust funds to allow Respondents to reduce the balance of the funds in TA 1 to an amount less than the aggregate trust fund liabilities to all owners of the trust funds.

(b) **Trust Fund Records to be Maintained (Code Section 10145 and Regulations Sections 2831)**. Based on an examination of TA 1's records, Respondents failed to maintain complete and accurate columnar record for all trust funds received and disbursed (control record) in TA1 which were used for Respondents' property management activities during the audit period in violation of Code Section 10145 and Regulations Sections 2831.

(c) **<u>Separate Records for Each Beneficiary or Transaction (Code section 10145 and Regulations sections 2831.1)</u>**. Respondents failed to maintain complete and accurate separate records for each beneficiary or transaction of all trust fund receipts and disbursements for TA 1 in connection with Respondents' property management activities during the audit period in violation of Code section 10145 and Regulations section 2831.1.

(d) **<u>Trust Account Reconciliation (Code section 10145 and Regulations section 2831.2)</u>**. Based on an examination of TA 1's records, Respondents failed to accurately perform monthly reconciliation for TA 1 during the audit period in violation of Code section 10145 and Regulations section 2831.2.

(e) **<u>Trust Fund Handling/ Unauthorized Disbursements (Code sections 10145 and 10176(i))</u>**. Based on an examination of TA 1's records, trust funds were disbursed from TA 1 to "TRUST Petty Cash – Trust Chula Vista, CA" without sufficient funds and without written authorization/instructions from the property owners in violation of Code sections 10145 and 10176(i).

(f) **<u>Responsibility of Corporate Office in Charge/Broker Supervision (Code sections 10159.2 and 10177(h) and Regulations section 2725)</u>**. Based on the violations in Paragraphs 8 (a)-(e) above, Respondent SWANSON failed to exercise adequate supervision and control over MPI's property management activities in violation of Code section 10159.2. Respondent SWANSON failed to provide established policies, rules, procedures, and systems to review, oversee, inspect, and manage transactions requiring a real estate license and the handling of trust funds in violation of Regulations section 2725.

<u>Additional Violations of the Real Estate Law</u>

9.

The overall conduct of Respondents violates the Real Estate Law and constitutes cause for the suspension or revocation of its real estate license and license rights under the provisions of **Code Section 10177(g)** for negligence and **Code Section 10177(d)** for willful disregard of the Real Estate Law.

10.

Each of the foregoing violations in Paragraphs 8 (a)-(f) above constitute cause for the suspension or revocation of the real estate license and/or license rights of Respondents under the provisions of Code sections 10177(d), 10177(g), and 10177(h) (as to SWANSON).

COSTS

(AUDIT COSTS)

11.

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

(INVESTIGATION AND ENFORCEMENT COSTS)

12.

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

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PRAYER

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/or license rights under the Real Estate Law (Part 1 of Division 4 of the California Business and Professions Code) of Respondents MONEY PROPERTY, INC. and MAYRA SWANSON, for the cost of investigation and enforcement as permitted by law, and for such other and further relief as may be proper under applicable provisions of law.

Dated at San Diego, California this 27 day of April, 2025.

[redacted]

Veronica Kilpatrick
Supervising Special Investigator

cc: MONEY PROPERTY, INC.
MAYRA SWANSON
Sacto.
Audits – Godswill Keraoru