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SEP - 4 2025

DEPT. OF REAL ESTATE

By [redacted]

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation against ANANYZETH GONZALEZ, doing business as Gonzalez Property Management, Respondent.	DRE No. H-05879 SD ACCUSATION

The Complainant, Veronica Kilpatrick, a Supervising Special Investigator for the Department of Real Estate[1] ("Department") of the State of California, for cause of Accusation against ANANYZETH GONZALEZ, doing business as "Gonzalez Property Management" alleges as follows:

1. The Complainant, Veronica Kilpatrick, acting in her official capacity as a Supervising Special Investigator, makes this Accusation against Respondents.

2. All references to the "Code" are to the California Business and Professions Code, all references to the "Real Estate Law" are to Part 1 of Division 4 of the Code, and all references

[1] Between July 1, 2013, and July 1, 2018, the Department of Real Estate operated as the Bureau of Real Estate under the Department of Consumer Affairs.

to "Regulations" are to the Regulations of the Real Estate Commissioner, Title 10, Chapter 6, California Code of Regulations.

STATEMENT OF FACTS

Licenses

3. Respondent is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Code).

4. On March 30, 2006, the Department issued a real estate broker license to Respondent ANANYZETH GONZALEZ ("Respondent"), License ID 01180486. Respondent's license is scheduled to expire on March 29, 2026, unless renewed. Respondent has renewal rights pursuant to Code section 10201. The Department retains jurisdiction pursuant to Code section 10103.

5. From approximately May 02, 1994, through March 29, 2006, the Respondent was previously licensed as a real estate salesperson.

6. Prior to July 17, 2024, Respondent was not licensed by the Department to do business under a fictitious business name. The Respondent has been licensed to do business as "Gonzalez Property Management" as of July 17, 2024.

7. At all times relevant herein, Carlos Degarate was not licensed in any capacity by the Department.

8. At all times relevant herein, Elizabeth Garcia was not licensed in any capacity by the Department.

9. At all times relevant herein, in the State of California, the Respondent engaged in activities that require a real estate broker license within the meaning of Code section 10131, subdivision (b). Respondent's activities included soliciting or offering to negotiate the sale, purchase or exchange of leases for real property and the collection of rents or security deposits

on real property or on a business opportunity for others, for compensation or in expectation of compensation.

10. On June 26, 2024, the Department received a complaint from consumer L.F.[2] against the Respondent. L.F. submitted the complaint on behalf of her mother, D.F., owner of commercial and residential rental properties managed by the Respondent. The complaint alleged misappropriation and possible theft of trust funds belonging to the property owner, D.F.

CAUSE OF ACCUSATION - AUDIT SD240015

11. On or about March 27, 2025, the Department completed an audit examination of the books and records of Respondent's property management activities, which require a real estate license pursuant to Code section 10131, subdivision (b), to determine if Respondents handled and accounted for trust funds in compliance with the Real Estate Law and the Regulations.

12. On October 15, 2024, an auditor for the Department held an entrance conference with the Respondent.

13. The audit examination covered the period from July 1, 2023, through August 31, 2024, ("audit period").

14. According to the Respondent and the records examined, during the audit period, the Respondent managed approximately 58 properties for 38 property owners. The Respondent collected and handled trust funds totaling approximately $912,000.00 during the last 12 months of the audit period from September 1, 2023, through August 31, 2024. Respondent collected rents, paid expenses, and screened tenants for compensation.

[2] Initials are used in place of individuals' full names to protect their privacy. Documents containing individuals' full names will be provided during the discovery phase of this case to Respondent(s) and/or their attorneys, after service of a timely and proper request for discovery on Complainant's counsel.

15. According to the Respondent, during the audit period, the Respondent maintained the following bank account in connection with Respondent's property management activities:

A. **<u>Bank Account 1 (B/A 1)</u>**

Bank: Bank of America

Account Name: Fundamental Financial Corp. DBA Gonzalez Property Management

Account #: xxxx7951

Signature(s) required: One (1)

Signatories: Respondent, Carlos Degarate ("Degarate") (Office Assistant/Bookkeeper – non-licensee), and Elizabeth Garcia (Office Assistant-non-licensee).

Description: B/A 1 was used by the Respondent for multiple beneficiaries and was maintained for the handling of receipts and disbursements of trust funds in connection with the Respondent's property management activities for others. B/A 1 was opened on March 1, 2013, and was active as of August 31, 2024, the audit cut-off date.

16. 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 SD240015 and the exhibits and work papers attached to said audit report.

<u>Audit Violations</u>

17. In the course of its property management activities during the audit period, Respondent acted in violation of the Code and the Regulations as follows:

<u>Issue 1. Trust fund balance and accountability (Code section 10145 and Regulation 2832.1) – Trust fund handling for multiple beneficiaries.</u>

18. The Department's auditor prepared a bank reconciliation for B/A 1 with a cut-off date of August 31, 2024. The minimum accountability of B/A 1 was determined based on the reconstructed separate records from March 1, 2024, to August 31, 2024, provided by the

Respondent and Degarate. The minimum adjusted bank balance was compared to the total minimum balance of separate records (accountability).

19. As of August 31, 2024, B/A 1 had a minimum shortage of <$2,925.39>. The minimum shortage was caused by a minimum negative property balance of <$491.00>; minimum bank charges of <$375.90>; and unidentified causes of <$2,058.49>.

20. The negative property balance of <$491.00> was caused by disbursements related to properties when there were insufficient funds to cover the disbursements. Examples included the following, without limitation:

Property Address	Negative Balance
477 Kempton Ave.	<$400.00>
710 Callejon Cuidad #97	<85.00>
2785 Rambling Vista Rd.	<$6.00>

21. Based on an examination of bank statements for B/A 1, during the audit period, the account incurred bank service charges which totaled <$375.90> that were not reimbursed by the Respondent.

22. The cause of the remaining shortage <$2,058.49> could not be identified due to the Respondent's poor record keeping.

23. The Respondent provided no evidence that all owners of the trust funds had given their written consent to allow the Respondent to reduce the balance of funds in B/A 1 to an amount less than the existing aggregate trust fund liabilities, in violation of Code section 10145 and 2832.1.

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Issue 2. Possible mishandling of trust funds

24. The Department received differing information from the parties involved regarding the payment and collection of rent monies for D.F.'s properties, delivered to either the Respondent, or paid directly to the property owner (or a relative of the property owner).

Issue 3. Commingling (Code sections 10145, 10176(e), and Regulation 2832). Trust fund handling.

25. As of August 31, 2024, there were funds belonging to the Respondent totaling a minimum of $1,445.00, which were commingled with trust funds in B/A 1, in violation of Code sections 10145, 10176, subdivision (e), and Regulation 2832.

26. The Respondent commingled personal funds with trust funds by depositing rents collected for a studio or ADU (Accessory Dwelling Unit) on a property located in Chula Vista, California, that belongs to the Respondent and her spouse (Degarate), into B/A 1. The Respondent used B/A 1 for handling the receipts and disbursements of trust funds in connection with property management activities for others.

27. The Respondent also commingled her personal funds with trust funds by depositing management fee checks received from property owners into B/A 1. Examples include the following, without limitation:

Date of Deposit	Amount	Property
08/07/2024	$155.00	2309 Bay Hill
08/16/2024	$262.00	2549 Coyote Ridge Ter
08/16/2024	$216.00	1218 Silverado

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Issue 4. Trust fund records to be maintained (Code section 10145 and Regulation 2831)

28. LMRI failed to maintain accurate and complete records of all trust funds received and disbursed (control record) for B/A 1 during the audit period, in violation of Code section 10145 and Regulation 2831.

29. The control record for B/A/ 1 was not in chronological sequence by date and did not include the following information: 1) from whom funds were received, 2) the date of deposit, 3) the check number, and 4) the daily balance of the bank account on any date. The disbursements were recorded next to the corresponding "received amount", rather than in chronological sequence. Moreover, the dates for when funds were received were not accurate.

30. Some receipts were recorded on the control record for B/A 1 but were not deposited into B/A 1. Examples include the following, without limitation:

Date Recorded	Amount	Property
09/11/2023	$3,619.00	2309 Bay Hill
09/05/2023	$4,000.00	2549 Coyote Ridge Ter
09/05/2023	$4,500.00	1684 Crossroads Ave.
03/05/2024	$3,619.00	2309 Bay Hill
03/05/2024	$4,360.00	2549 Coyote Ridge Ter
03/05/2024	$4,500.00	1684 Crossroads Ave.
08/05/2024	$3,619.00	2309 Bay Hill
08/05/2024	$4,360.00	2549 Coyote Ridge Ter
08/05/2024	$4,500.00	1684 Crossroads Ave.

31. The Respondent also did not disburse an exact/specific monthly amount for the management fees earned by the Respondent each month. Instead, the Respondent transferred lump sum amounts (payments) from B/A 1 to Respondent's general business account (ending in

7650) to disburse against management fees earned. Examples of lump sum amounts (payments) for management fees from B/A 1 include the following, without limitation:

Date	Amount	
09/29/2023	$4,000.00	
10/27/2023	$10,000.00	
01/03/2024	$5,000.00	
04/01/2024	$7,500.00	
04/26/2024	$6,000.00	
05/30/2024	$14,000.00	(Check No. 7681)
07/02/2024	$10,000.00	(Check No. 7730)

32. The Respondent used B/A 1 to pay for personal financial obligations against management fees earned/collected. Examples of payments for Respondent's personal and business expenses made from B/A 1 include the following, without limitation:

Date Cleared	Amount	Check No.	Payee	Purpose
03/08/2024	$400.00	7561	A.M.	Marketing
03/11/2024	$500.00	Debit	Bank of America	Credit card payment
03/14/2024	$351.00	Zelle	V.F.	Marketing
04/08/2024	$500.00	7576	S.C.	Referral fee
04/12/2024	$450.00	Debit	Bank of America	Credit card payment
04/29/2024	$250.00	7628	G.D.	Painter-Respondent's Office
07/15/2025	$500.00	Debit	Bank of America	Credit card payment
07/17/2024	$150.00	Zelle	V.F.	Marketing
08/19/2024	$400.00	7817	A.M.	Marketing

Issue 5. Separate record for each beneficiary or transaction (Code section 10145 and Regulation 2831.1)

33. During the audit period in connection with the collection and disbursement of trust funds, the Respondent failed to maintain an accurate and complete separate record of the receipt and disposition of all trust funds deposited into B/A 1 as required by Code section 10145, subdivision (g), and Regulation 2831.1.

34. The initial separate records (owner's monthly statements) that the Respondent provided to the auditor were inaccurate and incomplete. The separate records for B/A 1 were not in chronological sequence by date, and they were missing the following information: 1) the date of deposit; 2) check number of each related disbursement; and 3) the balance after posting transactions on any given date (running balances). Also, the date of each related disbursement was not accurate.

35. Some receipts were recorded on the initial separate records (owners' monthly statements) of B/A 1 but were not deposited into B/A 1. Examples include the following, without limitation:

Date Recorded	Amount	Property
09/01/2023	$3,619.00	2309 Bay Hill
09/01/2023	$4,000.00	2549 Coyote Ridge Ter
09/01/2023	$4,500.00	1684 Crossroads Ave.
03/01/2024	$3,619.00	2309 Bay Hill
03/01/2024	$4,360.00	2549 Coyote Ridge Ter
03/01/2024	$4,500.00	1684 Crossroads Ave.
08/01/2025	$3,619.00	2309 Bay Hill

Date Recorded	Amount	Property
08/01/2024	$4,360.00	2549 Coyote Ridge Ter
08/01/2024	$4,500.00	1684 Crossroads Ave.

36. Some disbursements were recorded on the initial, separate records (owners' monthly statements) of B/A 1 but were not disbursed from B/A 1. Examples include the following, without limitation:

Date Recorded	Amount	Property
09/05/2023	$3,464.00	2309 Bay Hill
09/05/2023	$4,000.00	2549 Coyote Ridge Ter
09/05/2023	$4,500.00	1684 Crossroads Ave.
03/05/2024	$3,464.00	2309 Bay Hill
03/05/2024	$4,360.00	2549 Coyote Ridge Ter
03/05/2024	$4,500.00	1684 Crossroads Ave.
08/05/2025	$3,464.00	2309 Bay Hill
08/05/2024	$4,360.00	2549 Coyote Ridge Ter
08/05/2024	$4,500.00	1684 Crossroads Ave.

37. The Respondent reconstructed the separate records for B/A 1 for the period from March 1, 2024, to August 31, 2024, the cut-off date of the audit period.

38. The Respondent failed to maintain a separate record for the Respondent's broker fees earned and disbursed in connection with the property management activities during the audit period. The Respondent reconstructed a separate record for the Respondent's broker fees earned and disbursed during the period from March 1, 2024, through August 31, 2024, the cut-off date of the audit period.

Issue 6. Trust account reconciliation (Code section 10145 and Regulation 2831.2)

39. During the audit period, the Respondent failed to perform and maintain a monthly reconciliation comparing the balance of all separate beneficiary or transaction records (separate records) to the balance of the record of all trust funds received and disbursed (control record) for B/A 1, in violation of Code section 10145 and Regulation 2831.2.

Issue 7. Trust Account Designation/Trust Fund Handling (Code section 10145(a) and Regulation 2832)

40. During the audit period, the Respondent used B/A 1 for handling trust fund receipts and disbursements belonging to others in connection with property management activities. B/A 1 was not designated as a trust account in the name of the Respondent, or any licensed fictitious business names, as trustee, in violation of Code section 10145 and Regulation 2832. B/A 1 was set up in the name of "Fundamental Financial Corp. DBA Gonzalez Property Management".

Issue 8. Trust Account Withdrawals (Code section 10145 and Regulation 2834

41. Based on review of the bank signature card for B/A 1, during the audit period, the Respondent allowed Degarate (Respondent's spouse) and Elizabeth Garcia (Respondent's former Office Assistant) to be signers for B/A 1 without fidelity bond or insurance coverage, in violation of Code section 10145 and Regulation 2834. Examples of withdrawals made by Degarate include the following, without limitation:

Date Check Cleared	Check No.	Payee	Amount
08/10/2023	7319	E.G.	$600.00
09/28/2023	7362	M.E.C.	$2,467.00
11/03/2023	7398	B.R	$500.00

Date Check Cleared	Check No.	Payee	Amount
12/12/2023	7455	A.M.	$400.00
01/02/2024	7467	J.A.L.	$1,500.00
03/19/2024	7569	D.F.	$3,134.00
04/08/2024	7576	S.C.	$500.00
05/30/2024	7681	Fundamental Financial Corp.	$14,000.00
06/26/2024	7725	G.P.	$1,551.00
07/02/2024	7730	Fundamental Financial Corp	$10,000.00
08/02/2024	7781	Fundamental Financial Corp	$12,500.00

42. According to the Respondent, Degarate and Elizabeth Garcia were removed as signors for B/A 1 as of October 12, 2024.

Issue 9. Use of unlicensed false of fictitious name (Code section 10159.5 and Regulation 2731)

43. During the audit period, the Respondent used the unlicensed fictitious business name "Gonzalez Property Management" in connection with property management activities for others, in violation of Code section 10159.5 and Regulation 2731. The Respondent used the unlicensed fictitious business name on canceled checks from B/A 1, some property management agreements, and rental agreements, among other documents. Prior to July 17, 2024, Respondent was not licensed by the Department to do business under a fictitious business name. The Respondent was licensed to do business as "Gonzalez Property Management" as of July 17, 2024.

Issue 10. Broker Supervision (Regulation 2725)

44. Based on the violations described above, Respondent failed to exercise reasonable and adequate supervision and control over the property management activities conducted by her or by others working with Respondent or on Respondent's behalf, to ensure compliance with the

Real Estate Laws and Regulations. The Respondent also failed to establish and implement 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 Regulation 2725.

45. The conduct of Respondent as described above in Paragraphs 18 through 44, violated the Code and the Regulations as set forth below:

Issue	Violations
1	Code section 10145 and Regulation 2832.1
3[3]	Code sections 10145, 10176(e), and Regulation 2832
4	Code section 10145 and Regulation 2831
5	Code section 10145 and Regulation 2831.1
6	Code section 10145 and Regulation 2831.2
7	Code sections 10145(a) and Regulation 2832
8	Code section 10145 and Regulation 2834
9	Code section 10159.5 and Regulation 2731
10	Regulation 2725

46. The foregoing violations, as described above in Paragraphs 18 through 44, constitute cause for the suspension or revocation of the real estate licenses and license rights of Respondent under the provisions of Code section 10176, subdivision (e) and Code section 10177, subdivisions (d) and/or (g).

Audit Costs

47. Code section 10148(b) provides, in pertinent part, that the Commissioner shall charge a real estate broker for the cost of any audit, if the Commissioner has found in a final

[3] Issue 2 was intentionally skipped.

decision following a disciplinary hearing that the broker has violated Code section 10145 or a regulation or rule of the Commissioner interpreting said section.

Investigation/Enforcement Costs

48. 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 licenses and/or license rights of Respondents under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code), for the costs of the audit, investigation, and enforcement as permitted by law, and for such other and further relief as may be proper under other provisions of law.

Dated Sep 2, 2025 at San Diego, California.

[redacted]

VERONICA KILPATRICK
Supervising Special Investigator

cc: Ananyzeth Gonzalez
Veronica Kilpatrick
Audits/Zaky Wanis
Sacto