

MARY F. CLARKE, Counsel (SBN 186744)
Department of Real Estate
P. O. Box 187007
Sacramento, CA 95818-7007

FILED

MAY 31 2013

Telephone: (916) 227-0789 (Main Office)
-or- (916) 227-0780 (Direct)
-or- (916) 227-9458 (Fax)

DEPARTMENT OF REAL ESTATE

By H. Contreras

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)
)
 EMINENT REALTY SERVICES, INC.,)
 a Corporation,)
 YUV RAJ GILL, and,)
 PRABHJOT SINGH,)
)
 Respondents.)
)

NO. H-5993 SAC

ACCUSATION

The Complainant, TRICIA SOMMERS, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in her official capacity against EMINENT REALTY SERVICES, INC. (herein "EMINENT"), YUV RAJ GILL (herein "GILL") and PRABHJOT SINGH (herein "SINGH") (herein collectively "Respondents") is informed and alleges as follows:

1

At all times herein mentioned, Respondents were and now are licensed and/or have license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) (herein "the Code").

2

At all times herein mentioned EMINENT was and now is licensed by the State of California Department of Real Estate (herein "the Department") as a corporate real estate broker

1 by and through GILL as designated officer-broker of EMINENT to qualify said corporation and
2 to act for said corporation as a real estate broker.

3 3

4 At all times herein mentioned, GILL was and now is licensed by the Department
5 as a real estate broker, individually and as designated officer-broker of EMINENT. As said
6 designated officer-broker, GILL was at all times mentioned herein responsible pursuant to
7 Section 10159.2 of the Code for the supervision of the activities of the officers, agents, real
8 estate licensees, and employees of EMINENT for which a license is required.

9 4

10 At all times herein mentioned SINGH was and now is licensed by the Department
11 as a real estate salesperson and was in the employ of EMINENT.

12 5

13 Whenever reference is made in an allegation in this Accusation to an act or
14 omission of EMINENT, such allegation shall be deemed to mean that the officers, directors,
15 employees, agents and/or real estate licensees employed by or associated with EMINENT
16 committed such act or omission while engaged in the furtherance of the business or operations
17 of such corporate Respondent and while acting within the course and scope of their authority
18 and employment.

19 6

20 At all times herein mentioned Respondents engaged in the business of, acted in the
21 capacity of, advertised, or assumed to act as real estate licensees for compensation, or
22 in expectation of compensation, within the State of California within the meaning of
23 Section 10131 (b) of the Code, the operation of a property management business with the
24 public wherein Respondents leased or rented and offered to lease or rent, and placed for rent,
25 and/or solicited listings of places for rent, and/or solicited for prospective tenants of real
26 property or improvements thereon, and collected rents from real property or improvements
27 thereon.

In so acting as a real estate broker, as described in Paragraph 6, above, EMINENT accepted or received funds in trust (herein "trust funds") from or on behalf of tenants, borrowers, and others in connection with real estate leasing, renting, and collection of rents on real property or improvements thereon, and thereafter from time to time made disbursements of said funds.

The aforesaid trust funds accepted or received by EMINENT were deposited or caused to be deposited by EMINENT into one or more bank accounts (herein "trust fund accounts") maintained by EMINENT for the handling of trust funds at the Sacramento, California branch of Wells Fargo Bank, including but not limited to "Eminent Realty Services Inc. Trust Account", account number xxxxxx2503 (herein "Trust Account").

Between about October 1, 2011 and October 31, 2012, in connection with the collection and disbursement of said trust funds, EMINENT:

- (a) caused, suffered or permitted the balance of funds in the Trust Account to be reduced to an amount, which as of October 31, 2012, was approximately \$16,744.60 less than the aggregate liability of EMINENT to all owners of such funds, in part due to over disbursements of management fees, without the prior written consent of the owners of such funds, in violation of Sections 10145 and 10176(i) and/or 10177(g) of the Code and Section 2832.1 of Chapter 6, Title 10, California Code of Regulations (herein "the Regulations");
- (b) failed to disclose to Regina S., owner of a property located on Paddington Way, the collection of an eviction fee in the amount of about \$800.00, in violation of Section 10176(g) of the Code;
- (c) failed to disclose to property owners, SINGH's relationship to vendor GN Construction, license #952806, (herein "GN"), in that SINGH was a partner in GN, in violation of Sections 10176(a) and (i) and/or 10177(j) and/or 10177(g) of the Code; and

(d) failed to reconcile at least once a month, the balance of all separate beneficiary or transaction records with the Trust Account, as required by Section 10145 of the Code and Section 2831.2 of the Regulations.

10

Between about March 9, 2012 and July 31, 2012, SINGH, unbeknownst to GILL, directed the prospective tenants shown below to deposit funds directly into SINGH's personal bank account in the amount of about \$1,260.00, in violation of Sections 10176(i) and/or 10177(j) and/or 10177(g) of the Code as follows:

<u>Date</u>	<u>Prospective Tenant Name</u>	<u>Property Address</u>	<u>Amount</u>
3/9/12	Ninel A. and Art K.	Woodring Drive	\$70.00
3/9/12	Kyoua W. K.	Woodring Drive	\$35.00
3/19/12	Jennifer and William H.	Lakemont Drive	\$70.00
3/19/12	Roselynn P.	Del Coronado Way	\$35.00
4/2/12	Felipe DJ and Maria F.	Canadeo Circle	\$70.00
4/2/12	Patricia P.	Walerga Road	\$35.00
4/24/12	Willie R.	Walerga Road	\$35.00
4/26/12	Xay & Kao V.	Bridgeburn Court	\$70.00
5/3/12	Jeremiah M.	Westpark Drive	\$35.00
5/8/12	Mark W. and Shannon P.	Munslow Way	\$70.00
5/14/12	Desirae Y. and Nicole B.	Sprengler Drive	\$70.00
5/22/12	Anthony and Mary R.	Connie Drive	\$70.00
5/29/12	David H.	Macon Drive	\$35.00
6/11/12	Terri and Stephen E.	Elvora Way	\$70.00
6/18/12	Kimberly I. and David A.	Elvora Way	\$70.00
6/27/12	Alvine	Montreux Way	\$70.00
7/5/12	Chris and Melinda B.	San Marino Way	\$70.00
7/10/12	Morgan D. and Janet R. H.	Rudat Circle	\$70.00
7/18/12	Received with Applications	Billish Way	\$140.00
7/31/12	Leticia C. and Marcos T.	Southerland Road	\$70.00

11

At all times mentioned herein, GILL failed to exercise reasonable supervision over the acts of EMINENT and its agents and employees in such a manner as to allow the acts and omissions on the part of EMINENT, described above, to occur in violation of Sections 10159.2 and 10177(g) and (h) of the Code and Section 2725 of the Regulations.

The facts alleged above are grounds for the suspension or revocation of the licenses and license rights of Respondents under the following provisions of the Code and/or the Regulations:

- (a) as to Paragraph 9(a) and EMINENT under Sections 10145 and 10176(i) and/or 10177(g) of the Code and Section 2832.1 of the Regulations in conjunction with Section 10177(d) of the Code;
- (b) as to Paragraph 9(b) and EMINENT under Section 10176(g) of the Code;
- (c) as to Paragraph 9(c) and EMINENT under Sections 10176(a) and (i) and/or 10177(j) and/or 10177(g) of the Code in conjunction with Section 10177(d) of the Code;
- (d) as to Paragraph 9(d) and EMINENT under Section 10145 of the Code and Section 2831.2 of the Regulations in conjunction with Section 10177(d) of the Code;
- (e) as to Paragraph 10 and SINGH under Sections 10176(i) and/or 10177(j) and/or 10177(g) of the Code;
- (f) as to Paragraph 11 and GILL under Sections 10159.2 and 10177(g) and (h) of the Code and Section 2725 of the Regulations in conjunction with Section 10177(d) of the Code.

COST RECOVERY

Audit Costs

The acts and/or omissions of Respondents EMINENT and GILL as alleged above entitle the Department to reimbursement of the costs of its audit pursuant to Section 10148(b) of the Code.

Investigation and Enforcement Costs

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


TRICIA SOMMERS
Deputy Real Estate Commissioner

Dated at Sacramento, California
this 29th day of May, 2013.