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BUREAU OF REAL ESTATE

By *K. Contreras*

9 BEFORE THE BUREAU OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)
13)
14 ALLYN MARYVONNE TERPSTRA,)
15 and, MICHAEL ALLEN TERPSTRA,)
16 Respondents.)

NO. H-6005 SAC

ACCUSATION

17 The Complainant, TRICIA SOMMERS, a Deputy Real Estate Commissioner of
18 the State of California, makes this Accusation in her official capacity for cause of Accusation
19 against ALLYN MARYVONNE TERPSTRA (herein "A. TERPSTRA") and MICHAEL
20 ALLEN TERPSTRA (herein "M. TERPSTRA") (herein collectively as "Respondents"), is
21 informed and alleges as follows:

22 1

23 Respondents are licensed and/or have license rights under the Real Estate Law,
24 Part 1 of Division 4 of the California Business and Professions Code (herein "the Code").

25 2

26 At all times herein mentioned, A. TERPSTRA was licensed by the Bureau of Real
27 Estate (herein "the Bureau") as a real estate salesperson in the employ of Dance Hall Investors
dba Keller Williams South Placer (herein "Keller Williams").

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2 At all times herein mentioned, M. TERPSTRA was licensed by the Bureau as a
3 real estate salesperson in the employ of Keller Williams.

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5 At all times herein mentioned, Respondents engaged in the business of, acted in
6 the capacity of, advertised, or assumed to act as real estate licensees for compensation or in
7 expectation of compensation within the State of California within the meaning of Section
8 10131(a) of the Code, including the operation and conduct of a real estate brokerage wherein
9 Respondents sold or offered to sell, bought or offered to buy, solicited prospective sellers or
10 purchasers of, solicited or obtained listings of, or negotiated the purchase, sale or exchange of
11 real property or a business opportunity.

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13 Monte Verde Drive:

14 On about April 8, 2011, in connection with the activities described in Paragraph 4,
15 above, Respondents, unbeknownst to Keller Williams, drafted a Residential Listing Agreement
16 to short sale a property located on Monte Verde Drive, Lincoln, CA (herein "Monte Verde"),
17 between sellers Dennis and Karen T. (herein "Dennis and Karen") ostensibly with listing agent
18 Brian Hood (herein "Hood"), a salesperson in the employ of Keller Williams, when in fact Hood
19 did not represent Dennis and Karen, rather Respondents represented Dennis and Karen, in
20 violation of Sections 10176(a) and (i) and/or 10177(j) of the Code.

21 6

22 On about May 9, 2011, Respondents, unbeknownst to Keller Williams,
23 drafted and negotiated a Residential Purchase Agreement (herein "Purchase Agreement")
24 to short sale the Monte Verde property for Dennis and Karen with purchaser Jeannine F.
25 (herein "Jeannine"), showing buyer's agent as Randall Dawson (herein "Dawson"), another
26 salesperson employed by Keller Williams, and seller's agent as Hood, when in fact neither
27 Dawson or Hood were ever involved in the transaction in any way, rather Respondents

1 represented both the buyer and the sellers, in violation of Sections 10176(a), (d) and (i)
2 and/or 10177(j) of the Code.

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4 On or about May 11, 2011, unbeknownst to Keller Williams and contrary to
5 Keller Williams' policy and procedures, A. TERPSTRA accepted a deposit check from purchaser
6 Jeannine in the amount of about \$5,000.00 but failed to immediately deliver said deposit check to
7 Keller Williams, in violation of Section 10145(c) of the Code.

8 8

9 On about July 28, 2011, A. TERPSTRA, received a commission check for the
10 Monte Verde transaction directly from escrow in the amount of about \$19,334.00, in violation of
11 Sections 10137 and 10176(i) and (g) and/or 10177(j) of the Code.

12 9

13 Yerba Way:

14 On about May 16, 2011, in connection with the activities described in Paragraph
15 4, above, Respondents, unbeknownst to Keller Williams and contrary to Keller Williams' policy
16 and procedures, entered into a Purchase Agreement to short sale Respondents' own property
17 located on Yerba Way, Lincoln, CA (herein "Yerba Way") with buyer, Jeannine, showing the
18 buyer's agent as Dawson and the seller's agent as Hood, when in fact neither Dawson or Hood
19 were ever involved in the transaction in any way, rather Respondents represented themselves, as
20 sellers, and the buyer, in violation of Sections 10176(a), (i) and/or 10177(j) of the Code.

21 10

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

- 25 (a) as to Paragraph 5 under Sections 10176(a) and (i) and/or 10177(j) of the Code;
26 (b) as to Paragraph 6 under Sections 10176(a), (d) and (i) and/or 10177(j) of the
27 Code;

- 1 (c) as to Paragraph 7 and Respondent A. TERPSTRA, under Section 10145(c) of the
2 Code in conjunction with Section 10177(d) of the Code;
- 3 (d) as to Paragraph 8 and Respondent A. TERPSTRA, under Sections 10137 and
4 10176(i) and (g) and/or 10177(j) of the Code in conjunction with Section
5 10177(d) of the Code; and
- 6 (e) as to Paragraph 9, under Sections 10176(a), (i) and (j) and/or 10177(j) of the
7 Code.

8 COST RECOVERY

9 19

10 Investigation and Enforcement Costs

11 Section 10106 of the Code provides, in pertinent part, that in any order issued in
12 resolution of a disciplinary proceeding before the Department, the Commissioner may request the
13 Administrative Law Judge to direct a licensee found to have committed a violation of this part to
14 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

15 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
16 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary
17 action against all licenses and license rights of Respondents under the Real Estate Law (Part 1 of
18 Division 4 of the Business and Professions Code), for the cost of the investigation and
19 enforcement as permitted by law, and for such other and further relief as may be proper under
20 other applicable provisions of law.

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23 TRICIA SOMMERS
24 Deputy Real Estate Commissioner

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26 Dated at Sacramento, California,

27 this 19th day of June, 2013.