

**FILED**

JUN 04 2015

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**BUREAU OF REAL ESTATE**

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8  
9 BEFORE THE BUREAU OF REAL ESTATE

10 STATE OF CALIFORNIA

11 \* \* \*

12 In the Matter of the Accusation of )  
13 )  
14 GARALD ROSS MANWILL, II )  
15 )  
16 Respondent. )

No. H-6264 SAC

ACCUSATION

17 The Complainant, HEATHER NISHIMURA, a Deputy Real Estate  
18 Commissioner of the State of California, for Accusation against Respondent GARALD  
19 MANWILL (MANWILL), is informed and alleges as follows:

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21 The Complainant makes this Accusation against Respondent in her official  
22 capacity.

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24 MANWILL is presently licensed and/or has license rights under the Real Estate  
25 Law, Part 1 of Division 4 of the California Business and Professions Code (Code) by the Bureau  
26 of Real Estate (Bureau) as a real estate broker dba Ponderosa Property Management.

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At all times herein mentioned, MANWILL engaged in the business of, acted in the capacity of, advertised, or assumed to act as a real estate broker within the State of California within the meaning of Section 10131(b) of the Code, including the operation and conduct of a property management business with the public wherein, on behalf of others, for compensation or in expectation of compensation. MANWILL leased or rented or offered to lease or rent, or places for rent, or solicited listings of places for rent or solicited for prospective tenants, or negotiated the sale, purchase or exchange of leases on real property, or on a business opportunity, or collected rents from tenants.

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Beginning on August 13, 2013, and continuing intermittently through January 14, 2014, an audit was conducted at MANWILL's branch office located at 5800 Clark Rd., Paradise, California and at the Bureau's district office located at 1651 Exposition Blvd., Sacramento, California, where the auditor examined records for the period of June 1, 2011, through November 30, 2013 (the audit period).

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While acting as a real estate broker as described in Paragraph 3, above, and within the audit period, MANWILL accepted or received funds in trust (trust funds) from or on behalf of property owners, lessees and others in connection with property management activities, deposited or caused to be deposited those funds into bank accounts maintained by MANWILL, at Bank of America, P.O. Box 25118, Chico, CA 95973, as described below:

TRUST ACCOUNT #1	
Account No.:	XXXXXXXX3814
Entitled:	G & S Investments Inc. DBA Ponderosa Property Management Trust Account #1

TRUST ACCOUNT #2	
Account No.:	XXXXXXXXX5060
Entitled:	G & S Investments Inc. DBA Ponderosa Property Management Trust Account #2

TRUST ACCOUNT #3	
Account No.:	XXXXXXXXX7677
Entitled:	G & S investments Inc. DBA Ponderosa Property Management Trust Account #3

and thereafter from time to time made disbursement of said trust funds.

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In the course of the activities described in Paragraph 3, in connection with the collection and disbursement of trust funds, it was determined that:

- (a) during an accountability performed on Trust Account #1, and as of October 31, 2013, a shortage of \$88,948.24 was revealed, in violation of Section 10145 of the Code;
- (c) during an accountability performed on Trust Account #2, and as of October 31, 2013, a shortage of \$6,160.89 was revealed, in violation of Section 10145 of the Code;
- (d) during an accountability performed on Trust Account #3, and as of October 31, 2013, a shortage of \$174,497.79 was revealed, in violation of Section 10145 of the Code;
- (e) MANWILL failed to obtain written permission from owners of trust funds in Trust Account #1, Trust Account #2 and Trust Account #3 to allow the balance to drop below accountability, in violation of Section 2832.1 of the Regulations;

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(f) MANWILL failed to perform monthly reconciliations of the separate beneficiary records and control records for Trust Account #1, Trust Account #2 and Trust Account #3, as required by Section 2831.2 of the Regulations.

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The acts and/or omissions described above constitute violations of Sections 2831.2 (monthly reconciliations) and 2832.1 (written permission balance below accountability) of the Regulations and of Section 10145 (trust fund handling) of the Code and are grounds for discipline under Section 10177(d) (willful disregard of real estate laws) and 10177(g) (negligence/incompetence licensee) of the Code.

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Section 10106 of the Code provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Bureau, 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), and for such other and further relief as may be proper under other provisions of law.

  
HEATHER NISHIMURA  
Deputy Real Estate Commissioner

Dated at Sacramento, California,  
this 3<sup>rd</sup> day of JUNE, 2015.