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FILED

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BUREAU OF REAL ESTATE
By B. Nicholas

8 BEFORE THE BUREAU OF REAL ESTATE
9 STATE OF CALIFORNIA

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11 In the Matter of the Accusation of:)
12 EAGLE VINES REALTY and) No. H-6584 SAC
13 RONALD KENNETH BANASIK,)
14 Respondents.) ACCUSATION

15 The Complainant, TRICIA D. PARKHURST, in her official capacity as a
16 Supervising Special Investigator of the State of California, Bureau of Real Estate ("Bureau"), brings
17 this Accusation against EAGLE VINES REALTY ("EVR") and RONALD KENNETH BANASIK
18 ("BANASIK") (collectively "Respondents"), and is informed and alleges as follows:

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20 EVR is presently licensed by the Bureau and/or has license rights under the Real
21 Estate Law, Part 1 of Division 4 of the California Business and Professions Code ("Code"), as a
22 corporate real estate broker.

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24 BANASIK is presently licensed by the Bureau and/or has license rights under the
25 Real Estate Law, Part 1 of Division 4 of the Code, as a real estate broker.

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At all relevant times herein, BANASIK is and was the Designated Officer of EVR.

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At all relevant times herein, Respondents engaged in the business of, acted in the capacity of, advertised or assumed to act as real estate licensees 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, Respondents leased or rented or offered to lease or rent, and solicited for prospective tenants of real property or improvements thereon, and collected rents from real property or improvements thereon.

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Beginning on or about March 1, 2017, and continuing through February 28, 2017, an audit was conducted of the real estate business activities of EVR, located at 4381 Broadway Ste. 104, American Canyon, CA 94503. The Bureau's auditor examined the business records of EVR for the period of March 1, 2016, through February 28, 2017, ("audit period").

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Beginning on or about April 6, 2017, and continuing through April 7, 2017, a follow-up audit was conducted of the real estate business activities of EVR. The follow-up audit was for the same audit period as the initial audit.

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While engaging in real estate activities as described in Paragraph 4, above, and within the audit period, Respondents accepted or received funds in trust ("trust funds") and deposited or caused the trust funds to be deposited into a bank account maintained as follows:

Trust Account #1

Bank Name: Umpqua Bank

3417 Broadway St., American Canyon, CA94503

Account Name: Eagle Vine Realty Broker Trust Account

Account No.: Last 4 Digits: 2659
 Description: Handle property management trust fund deposits and
 disbursement activities for EVR.

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In the course of the real estate activities described in Paragraph 4, above, and during
 the audit period, it was discovered:

(a) Respondents commingled trust funds from Trust Account #1 with broker
 funds in violation of Section 10176(e) of the Code and Section 2835, Title 10, California Code of
 Regulations ("Regulations");

(b) Respondents failed to maintain adequate separate beneficiary records and
 disposition of all trust funds in Trust Account #1 in violation of Section 10145 of the Code and
 Section 2831.1 of the Regulations;

(c) Respondents failed to reconcile at least once a month the balance of all
 separate beneficiary or transaction records to the balance of the record of trust funds received and
 disbursed from Trust Account #1 in violation of Section 10145 of the Code and Section 2831.2 of
 the Regulations; and

(d) BANSIK, as the Designated Officer for EVR, failed to adequately provide
 supervision over the real estate activities of EVR in violation of Section 10159.2 of the Code and
 Section 2725 of the Regulations.

GROUNDS FOR DISCIPLINE

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The acts and/or omissions of EVR, as described above in Paragraph 8(a) through
 8(c), constitute grounds for discipline pursuant to Sections 10145, 10176(e), 10177(d), and
 10177(g) of the Code, in conjunction with Sections 2831.1, 2831.2, and 2835 of the Regulations.

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The acts and/or omissions of BANSIK, as described above in Paragraph 8(a) through 8(d), constitute violations of Sections 10145, 10159.2, 10176(e), 10177(d), and 10177(g) of the Code, in conjunction with Sections 2725, 2831.1, 2831.2, and 2835 of the Regulations.

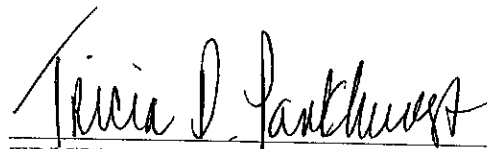
AUDIT COSTS

The acts and/or omissions of Respondents as alleged above, entitle the Bureau to reimbursement of the costs of its audit pursuant to Section 10148(b) (audit costs for trust fund violations) of the Code.

COST OF INVESTIGATION AND ENFORCEMENT

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 revoking all licenses and license rights of Respondents under the Real Estate Law, for the cost of investigation and enforcement as permitted by law, for the cost of the audit as permitted by law, and for such other and further relief as may be proper under other provisions of law.



TRICIA D. PARKHURST
Supervising Special Investigator

Dated at Sacramento, California,
this 30th day of August, 2017.

1 DISCOVERY DEMAND

2 Pursuant to Sections 11507.6, *et seq.* of the *Administrative Procedure Act*, the
3 Bureau of Real Estate hereby makes demand for discovery pursuant to the guidelines set forth in the
4 *Administrative Procedure Act*. Failure to provide Discovery to the Bureau of Real Estate may result
5 in the exclusion of witnesses and documents at the hearing or other sanctions that the Office of
6 Administrative Hearings deems appropriate.

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