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FILED

NOV 02 2018

DEPARTMENT OF REAL ESTATE

By *Le Lopez*

9 BEFORE THE DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)

13 CHRIS THE THAM,)

14 Respondent.)

No. H-6750 SAC

ACCUSATION

15 The Complainant, TRICIA PARKHURST, a Supervising Special Investigator of
16 the State of California, for cause of Accusation against CHRIS THE THAM (Respondent), is
17 informed and alleges as follows:

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19 The Complainant, TRICIA PARKHURST, a Supervising Special Investigator of
20 the State of California, makes this Accusation in her official capacity.

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

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25 At all times mentioned, Respondent was and is licensed by the Department
26 individually as a real estate broker.

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

On or about December 19, 2017, and continuing intermittently through May 17, 2018 an audit was conducted of the records of Respondent. The auditor herein examined the records for the period of October 1, 2016, through October 31, 2017.

While acting as a real estate broker as described in Paragraph 5, Respondent accepted or received funds in trust (trust funds) from or on behalf of owners and tenants in connection with the leasing, renting, and collection of rents on real property or improvements thereon, as alleged herein, and thereafter from time-to-time made disbursements of said trust funds.

The trust funds accepted or received by Respondent as described in Paragraph 8 were deposited or caused to be deposited by Respondent into trust accounts which were maintained by Respondent for the handling of trust funds, and thereafter from time-to-time Respondent made disbursements of said trust funds, identified as follows:

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ACCOUNT # 1	
Bank Name and Location:	Wells Fargo Bank 8872 Bond Road Elk Grove, CA 95624
Account No.:	XXXXXX4506
Entitled:	Chris Tham DBA Honest Realty Solutions

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In the course of the activities described in Paragraph 4, Respondent:

(a) caused, suffered, or permitted the balance of funds in Account #1 to be reduced to an amount which, as of October 31, 2017, was approximately \$13,090.80 less than the aggregate liability of Account #1 to all owners of such funds in violation of Sections 10176(i) and 10145 of the Code and Section 2832.1 of Title 10 of the California Code of Regulations (Regulations);

(b) failed to reconcile the balance of separate beneficiary or transaction records with the control record of trust funds received and disbursed at least once a month, and/or failed to maintain a record of such reconciliations for Account #1, as required by Section 2831.2 of the Regulations;

(c) failed to maintain accurate an columnar record in chronological sequence of all trust funds received and disbursed from Account #1 containing all required information, in violation of Section 2831 of the Regulations;

(d) failed to keep accurate separate records for each beneficiary or transaction, accounting therein for all funds which were deposited into Account #1 containing all of the information required by Section 2831.1 of the Regulations;

(e) commingled with its own money or property, the money or property of others which was received or held by Respondent in trust in violation of Section 10176(e) of the

1 Code; and

2 (f) conducted real estate activities using the fictitious business names "Honest
3 Realty", without first registering this fictitious business names with the Department as required
4 by Section 10159.5 of the Code and Section 2731 of the Regulations;

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6 The facts alleged in the First Cause of Action are grounds for the suspension or
7 revocation of Respondent's license and license rights under the following sections of the Code
8 and Regulations:

9 As to Paragraph 10(a), under Sections 10176(i), 10177(d), and/or 10177(g) of the
10 Code in conjunction with Section 10145 of the Code and Section 2832.1 of the Regulations;

11 As to Paragraph 10(b), under Sections 10177(d) and/or 10177(g) of the Code in
12 conjunction with Section 2831.2 of the Regulations;

13 As to Paragraph 10(c), under Sections 10177(d) and/or 10177(g) of the Code in
14 conjunction with Section 2831 of the Regulations;

15 As to Paragraph 10(d), under Sections 10177(d) and/or 10177(g) of the Code in
16 conjunction with Section 2831.1 of the Regulations;

17 As to Paragraph 10(e), under Section 10176(e) of the Code; and

18 As to Paragraph 10(f), under Sections 10177(d) and/or 10177(g) of the Code in
19 conjunction with Section 2731.1 of the Regulations and Section 10159.5 of the Code.

20 COST RECOVERY

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22 The acts and/or omissions of Respondent as alleged above, entitle the Department
23 to reimbursement of the costs of its audit pursuant to Section 10148(b) (audit costs for trust fund
24 handling violation) of the Code.

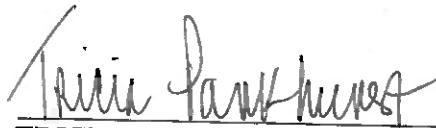
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Section 10106 of the Code provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Department, the Commissioner may request the Administrative Law Judge to direct a licensee found to have committed 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 Respondent under the Code, for the cost of investigation and enforcement as permitted by law, for the cost of the audit, and for such other and further relief as may be proper under other provisions of law.


TRICIA PARKHURST
Supervising Special Investigator

Dated at Sacramento, California,
this 30th day of October, 2018.

DISCOVERY DEMAND

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