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FILED

DEC 13 2018

DEPARTMENT OF REAL ESTATE

By K. Krapp

9 BEFORE THE DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)

13 LISA MARIE GREGORY,)

14 Respondent.)

No. H-6763 SAC

ACCUSATION

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

18 PRELIMINARY ALLEGATIONS

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

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

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26 At all times mentioned, Respondent was and is licensed by the Department
27 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.

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On or about June 8, 2017, and continuing intermittently through August 9, 2017, an audit was conducted of the records of Respondent. The auditor herein examined the records for the period of November 1, 2016, through March 31, 2017.

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While acting as a real estate broker as described in Paragraph 4, 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.

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The trust funds accepted or received by Respondent as described in Paragraph 6 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:	Chase Bank P.O. Box 659754 San Antonio, TX 78265
Account No.:	XXXXX6569
Entitled:	Lis M. Gregory DBA LC Property Management

FIRST CAUSE OF ACTION

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Each and every allegation in Paragraphs 1 through 7, are incorporated by this reference as if fully set forth herein.

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In the course of the activities described in Paragraph 5, Respondent:

(a) caused, suffered, or permitted the balance of funds in Account #1 to be reduced to an amount which, as of March 31, 2017, was approximately \$23,944.26 less than the aggregate liability of Account #1 to all owners of such funds in violation of Sections 10176(i), 10145 of the Code and Section 2832.1 of Title 10 of the California Code of Regulations (Regulations);

(b) failed to deposit trust funds into a trust fund account in the name of Respondent as trustee at a bank or other financial institution, in conformance with Section 10145 of the Code and Section 2832 of the Regulations; and

(c) operated a real estate brokerage business at 3318 Howard Street, Bld. #338, Suite 160, McClellan, California, an office location which requires a real estate license, without first procuring a real estate license for that office location in violation of Section 10163 of the Code and Section 2715 of the Regulations.

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

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

As to Paragraph 9(b), under Sections 10177(d) and/or 10177(g) of the Code in conjunction with Section 10145 of the Code and Section 2832 of the Regulations; and

As to Paragraph 9(c), under Sections 10177(d) and/or 10177(g) of the Code in conjunction with Section 10163 of the Code and Section 2715 of the Regulations.

SECOND CAUSE OF ACTION

Each and every allegation in Paragraphs 1 through 10, inclusive, above, are incorporated by this reference as if fully set forth herein.

In connection with the operation and conduct of the real estate activities described in Paragraph 7, Respondent, engaged in the business of claiming, demanding, charging, receiving, collecting, or contracting for the collection of advance fees within the meaning of Sections 10026 and 10131.2 (advance fees) of the Code in the amount of \$5 per month for an Eviction Protection Program, including but not limited to the following:

Property Owner	Property Address
Gordon H.	207 Shady Valley Court, Rio Linda
Simera B.	8514 Winford Way, Antelope
Daniel R.	912 Quiet Way, Rio Linda

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In connection with the collection and handling of said advance fee, Respondent:

(a) failed to cause the advance fee contract and all materials used in obtaining the advance fee agreement to be submitted to the Department of Real Estate prior to use as required by Section 10085 of the Code and Section 2970 of Title 10 of the Regulations;

(b) failed to immediately deliver said trust funds into a neutral escrow depository, or into a trust fund account in violation of Sections 10146 and 10145 of the Code; and

(c) failed to furnish the principal borrower the verified accounting required by Section 10146 of the Code and Section 2972 of the Regulations.

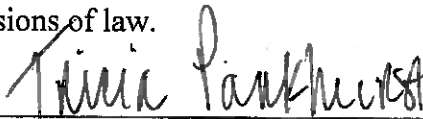
The acts and/or omissions of Respondent described in the Second Cause of Action, constitute violation of Sections 10177(d) and/or 10177(g) of the Code in conjunction with Sections 10085, 10146, and 10145 of the Code and Sections 2970 and 2972 of the Regulations, and are cause for the suspension or revocation of Respondent's license and license rights.

COST RECOVERY

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

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.

1 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
2 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary
3 action against all licenses and license rights of Respondent under the Code, for the cost of
4 investigation and enforcement as permitted by law, for the cost of the audit, and for such other
5 and further relief as may be proper under other provisions of law.



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7 TRICIA PARKHURST
Supervising Special Investigator

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9 Dated at Sacramento, California,
10 this 10th day of December, 2018.

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12 DISCOVERY DEMAND

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