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FILED

SEP 30 2019

DEPARTMENT OF REAL ESTATE
By B. Nicholas

9 BEFORE THE DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of

13 CAROL D. GREENER,

14 Respondent.

No. H-6886 SAC

ACCUSATION

15 The Complainant, TRICIA D. PARKHURST, a Supervising Special Investigator
16 of the State of California, for cause of Accusation against CAROL D. GREENER (Respondent),
17 is 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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2 At all times mentioned, Respondent conducted real estate activity under
3 her individual broker license and the fictitious business name "Empire Property Management",
4 registered with the Department.

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

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15 On or about January 31, 2019, and continuing intermittently through March 1,
16 2019, an audit was conducted of the records of Respondent. The auditor herein examined the
17 records for the period of July 1, 2016, through December 31, 2018.

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

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25 The trust funds accepted or received by Respondent as described in Paragraph 7
26 were deposited or caused to be deposited by Respondent into trust accounts which were

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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:

ACCOUNT # 1	
Bank Name and Location:	Banner Bank 10 South First Avenue Walla Walla, WA 99362-0265
Account No.:	XXXXXX5055
Entitled:	Carol Greener DBA Carol Greener Properties as Agent for Various Properties

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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 December 31, 2018, was approximately \$17,000.26 less than the aggregate liability of Account #1 to all owners of such funds in violation of Section 10145 of the Code and Section 2832.1 of Title 10 of the California Code of Regulations (Regulations).

(b) 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;

(c) 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 and 2 as required by Section 2831.2 of the Regulations; and

(d) caused, permitted, and/or allowed, the possible withdrawal of trust funds from Account #1, by a person, Kimberly Worthington, who as of September 17, 2016, was not licensed under Respondent and not covered by a fidelity bond in violation of Section 2834 of the Regulations.

The facts alleged above 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 2831 of the Regulations and Section 10145 of the Code;

As to Paragraph 9(c), under Sections 10177(d) and/or 10177(g) of the Code in conjunction with Section 2831.2 of the Regulations and Section 10145 of the Code; and

As to Paragraph 9(d), Sections 10177(d) and/or 10177(g) of the Code in conjunction with Section 2834 of the Regulations and Section 10145 of the Code.

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.

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

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1 investigation and enforcement as permitted by law, for the cost of the audit, and for such other
2 and further relief as may be proper under other provisions of law.

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5 TRICIA D. PARKHURST
6 Supervising Special Investigator

7 Dated at Sacramento, California,
8 this 26th day of September, 2019.

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12 DISCOVERY DEMAND

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