

FILED

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DEPARTMENT OF REAL ESTATE

By By dsw

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
) No. H-7284 SAC
CAROL JEAN HAHL,)
) ACCUSATION
Respondent.)
)

The Complainant, TRICIA D. PARKHURST, acting in her official capacity as a
Supervising Special Investigator of the State of California, for cause of Accusation against
CAROL JEAN HAHL (Respondent), is informed and alleges as follows:

1

At all times herein mentioned, Respondent was and is presently licensed and/or
has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and
Professions Code (Code) by the Department of Real Estate (the Department) as a real estate
broker. Effective September 6, 2022, Respondent's real estate license expired. Pursuant to
Section 10201 of the Code, Respondent retains renewal rights for 2 years. Pursuant to Section
10103 of the Code, the Department retains jurisdiction.

Respondent is presently licensed and/or has license rights under the Real Estate
Law, Part 1 of Division 4 of the Code by the Department as the designated officer of Talcon
Corporation since March 25, 2020, and as the designated officer of Carol Hahl Real Estate
Services, Inc. since October 21, 2022.

1 2

2 At all times herein mentioned, Respondent conducted real estate activity through
3 Carol Hahl Real Estate Services, Inc. (CHRESI). At no time herein mentioned, was CHRESI
4 licensed by the Department as a real estate broker corporation prior to October 21, 2022.

5 3

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

14 AUDIT SC-22-0019

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16 Each and every allegation in Paragraphs 1 through 3, inclusive, is incorporated by this
17 reference as if fully set forth herein.

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19 Beginning on October 18, 2022, and continuing intermittently through April 25,
20 2023, an audit was conducted of the records of Respondent. The auditor examined the records
21 for the period of May 1, 2021, through May 31, 2022 (the audit period).

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23 Respondent, while acting as a real estate broker, as described in Paragraph 3, and
24 within the audit period, accepted or received funds in trust (trust funds) from or on behalf of
25 owners, lessees and others in connection with property management activities, and deposited
26 those funds into the following bank account maintained by Respondent, at Bank of Marin, P.O.
27 Box 2039, Novato, CA 94948:

BANK ACCOUNT #1	
Account No.:	XXXX-XX6024
Entitled:	CAROL HAHL REAL ESTATE SERVICES INC PROPERTY MANAGEMENT ACCOUNT

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

7

In the course of the property management activities described in Paragraph 3, in connection with the collection and disbursement of trust funds during the audit period, Respondent violated the Real Estate Law as described below:

- (a) Respondent, on behalf of CHRESI, while CHRESI was unlicensed, collected rents and security deposits, solicited prospective tenants, negotiated rental agreements, and advertised for real properties owned by another or others for compensation, in violation of Section 10130 of the Code;
- (b) An accountability was performed on Bank Account #1, and as of May 31, 2022, there was a shortage in the amount of \$1,859.43 revealed, in violation of Section 10145 of the Code;
- (c) Respondent failed to obtain written permission from owners of trust funds in Bank Account #1, to allow the balances to drop below accountability, in violation of Section 2832.1 of Chapter 6, Title 10, California Code of Regulations (Regulations);
- (d) Respondent failed to perform and/or maintain records of monthly reconciliations, reconciling the balance of all separate beneficiary or transaction records with the balance of the record of all trust funds received and disbursed for Operating Account, in violation of Section 2831.2 of the Regulations;

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(e) Respondent failed to maintain an accurate separate record of the receipt and disposition of all trust funds deposited in Operating Account, in violation of Section 2831.1 of the Regulations; and

(f) Respondent failed to properly designate Bank Account #1 as a trust account in the name of the broker as trustee, as required by Section 10145 of the Code and Section 2832 of the Regulations.

GRUNDS FOR DISCIPLINE

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The acts and/or omissions described above constitute violations of Sections 2831.1 (Separate Record), 2831.2 (Trust Account Reconciliation), 2832 (Bank Account Not Properly Designated as Trust Account), and 2832.1 (Written Permission for Balance Below Accountability) of the Regulations, and Sections 10130 (Unlicensed Activity), and 10145 (Trust Fund Handling) of the Code, and are grounds for discipline under Sections 10177(d) (Willful Disregard of Real Estate Laws) and/or 10177(g) (Negligence/Incompetence Licensee) of the Code.

COST RECOVERY

9

Audit Costs

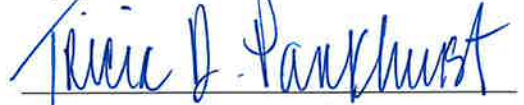
The acts and/or omissions of Respondents, as alleged above, entitle the Department to reimbursement of the costs of its audits pursuant to Section 10148(b) (Audit Costs for Trust Fund Handling Violations) of the Code.

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Costs 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 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 reasonable
4 cost of investigation and enforcement as permitted by law, for the cost of the audit, and for such
5 other and further relief as may be proper under other provisions of law.

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7 TRICIA D. PARKHURST
8 Supervising Special Investigator

9 Dated at Sacramento, California,
10 this 23rd day of October, 2023

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12 DISCOVERY DEMAND

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