

FILED

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DEPARTMENT OF REAL ESTATE

By L. Henry

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of	)	
	)	NO. H-10885 SF
	)	
ERNEST HARRY WONG,	)	<u>ACCUSATION</u>
	)	
Respondents.	)	
	)	

The Complainant, E. J. HABERER, II, in his official capacity as a Deputy Real Estate Commissioner of the State of California, for Accusation against Respondent ERNEST HARRY WONG ("WONG"), is informed and alleges as follows:

1

WONG 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 (the Code) as a real estate broker and from at least March 13, 1985, WONG operated under the fictitious business name Pacific Star Realty.

2

At all times herein mentioned, WONG engaged in the business of, acted in the capacity of, advertised, or assumed to act as a real estate broker within the State of California

1 within the meaning of Sections 10131(a) and 10131(b) of the Code, including: the operation of a
2 property management business, with the public wherein, on behalf of others, for compensation or
3 in expectation of compensation, WONG offered to lease or rent, rented or leased, solicited
4 listings of places for rent, and solicited for prospective tenants of real property or improvements
5 thereon, and collected rents from real property or improvements thereon.

6
7 FIRST CAUSE OF ACTION

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9 Beginning on August 27, 2008 and continuing intermittently until October 7,
10 2008, an audit was conducted at WONG's main office located at 655 West Evelyn Avenue, #9
11 Mountain View, California, wherein the auditor examined records for the period July 1, 2006
12 through July 31, 2006 (the audit period).

13 4

14 While acting as a real estate broker as described in Paragraph 2, above, and within
15 the audit period, WONG accepted or received funds in trust (trust funds) from or on behalf of
16 lender, investors, borrowers and others in connection with the leasing, renting, and collection of
17 rents on real property or improvements thereon.

18 5

19 Within the audit period, trust funds accepted or received by WONG were
20 deposited or caused to be deposited by Respondent into bank accounts maintained by WONG at
21 Bank of America, 384 San Antonio Road, in Mountain View, California, including: Account No.
22 104489-15508, entitled "Pacific Star Realty Management Trust Account A, Ernest Wong
23 Trustee" (Trust #1); Account No. 10440-06260, entitled "Pacific Star Realty Management Trust
24 Account B, Ernest Wong Trustee" (Trust #2); and. Account No. 04480-00523, entitled, "Ernest
25 H. Wong Pacific Star Realty Security Deposit Account" ("Bank # 1"), and thereafter from time to
26 time made disbursement of said trust funds.

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In the course of the activities described in Paragraph 5, above, for the audit period, Wong:

- (a) Failed to designate Bank #1 as a trust account in violation of Section 10145(d) of the Code and Section 2832 of Title 10, California Code of Regulations ("Regulations"); and
- (b) Comingled personal funds with trust funds deposited in Trust #2 when WONG failed to disburse funds belonging to him within 25 days after deposit in violation of Section 10176(e) of the Code;

The acts and/or omissions of WONG as alleged above violated Sections 2832 of the Regulations and Sections 10145(d) and 10176(e) of the Code.

The acts or omissions of WONG alleged above are grounds for discipline under Sections 10176 and 10177(d) of the Code.

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 Respondents under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code), and for such other and further relief as may be proper under other provisions of law.



E. J. HABERER, II
Deputy Real Estate Commissioner

Dated at Oakland, California,
this 4th day of March, 2010.