

FILED

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DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

TENANTFINDERS INCORPORATED and
CASEY WALSH MOORE,

Respondents.

No. H-11357 SF

ACCUSATION

The Complainant, E. J. HABERER, II, a Deputy Real Estate Commissioner of the State of California for cause of Accusation against TENANTFINDERS INCORPORATED, (TI) and CASEY WALSH MOORE, (MOORE), (collectively, Respondents), is informed and alleges as follows:

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The Complainant makes this Accusation in his official capacity.

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At all times mentioned, TI was and now is licensed by the State of California Department of Real Estate (Department) as a corporate real estate broker whose license has at all times mentioned herein since August 2, 2010, been, and now is, a restricted real estate broker license subject to terms, conditions and restrictions pursuant to Sections 10156.6 and 10156.7 of the Code.

At all times mentioned, MOORE was and now is licensed by the Department as a real estate broker whose license has at all times mentioned herein since August 2, 2010, been, and now is, a restricted real estate broker license subject to terms, conditions and restrictions pursuant to Sections 10156.6 and 10156.7 of the Code and as designated officer-broker of TI. As the designated broker/officer, MOORE was responsible, pursuant to Section 10159.2 of the Code, for the supervision of the activities of officers, agents, real estate licensees and employees of TI for which a real estate license is required to ensure the compliance of the corporation with the Real Estate Law and the Regulations.

At all times mentioned, Respondents 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, including the operation and conduct of a property management business wherein Respondent leased, rented, or offered to lease or rent, solicited listings for lease or rent, collected rents from tenants or lessees, or performed other services for real property owners and tenants or lessees, all for or in expectation of compensation.

FIRST CAUSE OF ACTION

Beginning on or about September 1, 2011, and intermittently through August 31, 2011, the Department conducted an audit of TI's property management business for the period of September 1, 2010, to August 31, 2011, at TI's office located at 3483 Golden Gate Way, Suite 217, Lafayette, California 94549.

During the course of the property management activities described in Paragraph 5, TI received and disbursed funds held in trust on behalf of others. TI maintained a Trust Account No. 1 at Wells Fargo Bank, 3630 Mt. Diablo Blvd., Lafayette, California 94549,

Account No. XXXXXX1887, entitled "Tenant Finders Inc. Trust Account", signatories K. Ryan Cuddeback RES.

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The above referenced audit revealed that:

(a) TI failed to place funds in the form of rent in a designated trust account within three business days of receipt as set forth below in as required by Section 2832 of the Regulations and Section 10145 of the Code::

Tenant	Address	Amount	Received	Deposited
Aurora E.	2980 Pacific St., Concord	\$1,295.00	01/01/11	02/01/11
Eliseo V.	44 N. Broadway, Bay Point	\$800.00	04/09/11	04/18/11
Tommy/Tania H.	880 Malibu, Concord	\$1,000.00	04/18/11	05/09/11
Ajay P.	2742 Oak #192, Walnut Creek	\$1,095.00	05/02/11	05/09/11
Larry/Jennifer M.	2121 Sugartree, Pittsburg	\$1,500.00	05/20/11	06/03/11
Robert R.	1136 Conejo Way, Walnut Creek	\$1,600.00	07/01/11	07/08/11

(b) TI failed to keep real estate records including, but not limited to, property management agreements and cancelled checks as required by Section 10148 of the Code;

(c) TI failed to execute broker salesperson agreements as required by Section 2726 of the Regulations.

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The acts and omissions of Respondent TI described in Paragraph 7, above, constitute violations of Sections 2726 (Broker Salesperson Agreements) and 2832 (Deposit of Trust Funds) of the Regulations and Section 10145 (Trust Fund Handling) and 10148 (Retention of Real Estate Records) of the Code and are grounds for the suspension or revocation of the licenses of Respondent TI under Sections 10177(d) (Willful Disregard/Violation Real Estate Law) and 10177(6) (Negligence/Incompetence Real Estate Licensee) of the Code.

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Complainant refers to Paragraphs 1 through 8, above, and incorporates them herein by reference.

While conducting the audit, the Department Auditor made several attempts to contact and speak with MOORE, but received no response from him. MOORE did not attend any meetings with the Auditor, who instead met with Cuddeback, a salesperson employee of TI, to obtain information. MOORE'S phone numbers were not working numbers. MOORE did not have broker-salesperson agreements, property management agreements and was not a signatory for the trust account.

At all times herein above mentioned, MOORE, was responsible as the supervising broker for TI, for the supervision and control of the activities conducted on behalf of TI's business by its employees to ensure its compliance with the Real Estate Law and Regulations. MOORE failed to exercise reasonable supervision and control over the property management activities of TI. In particular, MOORE permitted, ratified and/or caused the conduct described, above, to occur and failed to take reasonable steps including, but no limited to, handling of trust funds, supervision of employees, and the implementation of policies, rules, and systems to ensure the compliance of the business with the Real Estate Law and the Regulations.

The above acts and/or omissions of MOORE violate Section 10159.2 of the Code and Section 2725 of the Regulations and constituted grounds for disciplinary action under the provisions of Section 10177(d) and (h) of the Code.

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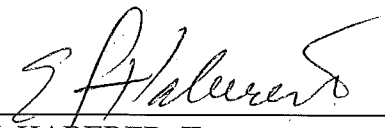
PRIOR ADMINISTRATIVE ACTION

Effective August 2, 2010, before the Department of Real Estate, Case No. H 10820- SF, the Commissioner revoked TI and MOORE's license and licensing rights, with the right to restricted licenses.

COST RECOVERY

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 revoking all licenses and license rights of Respondent(s) under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code), for the cost of investigation and enforcement as permitted by law, 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 11 day of April, 2012.