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FILED

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BUREAU OF REAL ESTATE

By K. Contreras

9 BEFORE THE
10 BUREAU OF REAL ESTATE
11 STATE OF CALIFORNIA

12 * * *

13 In the Matter of the Accusation of)
14 WOODLAKE BROKERAGE COMPANY)
15 ON-SITE SALES, INC., a Corporation, and)
16 VALERIE FOX CARLOS,)
17 Respondents.)

18 NO. H-11678 SF
19 ACCUSATION

20 The Complainant, ROBIN S. TANNER, a Deputy Real Estate Commissioner of
21 the State of California, for cause of Accusation in her official capacity against WOODLAKE
22 BROKERAGE COMPANY ON-SITE SALES, INC. (herein "WBC") dba "Woodlake Property
23 Management," and VALERIE FOX CARLOS (herein "CARLOS") (herein collectively
24 "Respondents"), is informed and alleges as follows:

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26 At all times herein mentioned, Respondents were and now are, licensed and/or
27 have license rights under the Real Estate Law (Part 1 of Division 4 of the Business and
28 Professions Code) (herein "the Code").

29 2

30 At all times herein mentioned, WBC was and now is licensed by the State of
31 California Bureau of Real Estate (herein the "Bureau") as a corporate real estate broker by and

1 through CARLOS as designated officer-broker of WBC, to qualify said corporation and to act
2 for said corporation as a real estate broker.

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4 At all times herein mentioned, CARLOS was and now is licensed by the Bureau
5 as a real estate broker, individually and as designated officer-broker of WBC. As said designated
6 officer-broker, CARLOS was at all times mentioned herein responsible pursuant to Section
7 10159.2 of the Code for the supervision of the activities of the officers, agents, real estate
8 licensees and employees of WBC for which a license is required.

9 4

10 Whenever reference is made in an allegation in this Accusation to an act or omission
11 of WBC, such allegation shall be deemed to mean that the officers, directors, employees, agents
12 and/or real estate licensees employed by or associated with WBC committed such act or omission
13 while engaged in the furtherance of the business or operations of such corporate Respondent and
14 while acting within the course and scope of their authority and employment.

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16 At all times herein mentioned Respondents engaged in the business of, acted in
17 the capacity of, advertised, or assumed to act as real estate brokers wherein, on behalf of others,
18 for compensation or in expectation of compensation within the State of California within the
19 meaning of Section 10131(b) of the Code, including the operation and conduct of a property
20 management business with the public, wherein Respondents leased or rented or offered to lease
21 or rent, or placed for rent, or solicited listings of places for rent, or solicited for prospective
22 tenants, or negotiated the sale, purchase or exchanges of leases on real property, or on a business
23 opportunity or collected rents from real property, or improvements thereon, or from business
24 opportunities.

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26 In so acting as real estate brokers, as described in Paragraph 5 above, Respondents
27 received funds in trust (herein "trust funds") from or on behalf of tenants, owners, and others in

1 connection with real estate leasing, renting, and collection of rents on real property or
2 improvements thereon, and thereafter from time to time made disbursements of said funds.

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4 The aforesaid trust funds described in Paragraph 6, above, accepted or received by
5 Respondents were deposited or caused to be deposited by Respondents into one or more bank
6 accounts (herein "trust fund accounts") maintained by Respondents for the handling of trust
7 funds at the San Mateo, California branch of Bank of America as "Woodlake Brokerage
8 Company Inc., dba Woodlake Property Management" account number xxxxxx6999 (herein
9 "Bank Account #1").

10 8

11 Between about January 1, 2012 and April 30, 2013, in connection with
12 Respondents' property management activities described in Paragraph 5, above, Respondents:

- 13 (a) failed to place trust funds entrusted to Respondents into the hands of a
14 principal on whose behalf the funds were received, into a neutral escrow
15 depository, or into a trust fund account in the name of WBC as trustee at a
16 bank or other financial institution for Bank Account #1, in violation of
17 Section 10145 of the Code and Section 2832, of Chapter 6, Title 10,
18 California Code of Regulations (herein "the Regulations");
- 19 (b) failed to keep a columnar record in chronological sequence of all trust funds
20 received and disbursed from Bank Account #1 containing all the information
21 required by Section 2831 of the Regulations;
- 22 (c) failed to reconcile at least once a month, the balance of all separate
23 beneficiary or transaction records with Bank Account #1, in violation of
24 Section 2831.2 of the Regulations;
- 25 (d) allowed an unlicensed individual without fidelity bond coverage, Joyce U.
26 H. (herein "Joyce"), to be a signatory on Bank Account #1, in violation of
27 Section 2834 of the Regulations;

- 1 (e) willfully caused, suffered and permitted WBC to perform licensed activities
2 during the time WBC was not in good standing with the office of the
3 Secretary of State, in violation of Section 2742(c) the Regulations;
4 (f) employed and compensated Joyce for performing activities requiring a real
5 estate license, in violation of Sections 10130 and 10137 of the Code;
6 (g) failed to obtain a branch office license from the Bureau while conducting
7 property management services from the location at 530 Oak Grove Ave.,
8 #101, Menlo Park, CA, in violation of Section 10163; and
9 (h) failed to obtain a real estate license bearing the fictitious business name
10 "Woodlake Property Management," while conducting activities for which a
11 license was required, in violation of Section 10159.5 of the Code and
12 Section 2731 of the Regulations.

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14 The facts alleged above are grounds for the suspension or revocation of the licenses
15 and license rights of Respondents under the following provisions of the Code and/or the Regulations:

- 16 (a) as to Paragraph 8(a) under Section 10145 of the Code and Section 2832 of
17 the Regulations in conjunction with Section 10177(d) of the Code;
18 (b) as to Paragraph 8(b) under Section 2831 of the Regulations in conjunction
19 with Section 10177(d) of the Code;
20 (c) as to Paragraph 8(c) under Section 2831.2 of the Regulations in conjunction
21 with Section 10177(d) of the Code;
22 (d) as to Paragraph 8(d) under Section 2834 of the Regulations in conjunction
23 with Section 10177(d) of the Code;
24 (e) as to Paragraph 8(e) under Section 2742(c) of the Regulations in conjunction
25 with Section 10177(d) of the Code;
26 (f) as to Paragraph 8(f) under Sections 10130 and 10137 of the Code in
27 conjunction with Section 10177(d) of the Code;

1 (g) as to Paragraph 8(g) under Section 10163 of the Code in conjunction with
2 Section 10177(d) of the Code; and

3 (h) as to Paragraph 8(h) under Section 10159.5 of the Code and Section 2731
4 of the Regulations in conjunction with Section 10177(d) of the Code.

5 COST RECOVERY

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7 Audit Costs

8 The acts and/or omissions of Respondents as alleged above entitle the Bureau to
9 reimbursement of the costs of its audits pursuant to Section 10148(b) of the Code.

10 11

11 Investigation and Enforcement Costs

12 Section 10106 of the Code provides, in pertinent part, that in any order issued in
13 resolution of a disciplinary proceeding before the Bureau, the Commissioner may request the
14 Administrative Law Judge to direct a licensee found to have committed a violation of this part to
15 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

16 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
17 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary
18 action against all licenses and license rights of Respondents under the Real Estate Law (Part 1
19 of Division 4 of the Business and Professions Code), for the cost of the investigation and
20 enforcement as permitted by law, and for such other and further relief as may be proper under
21 other applicable provisions of law.

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24 
25 ROBIN S. TANNER
Deputy Real Estate Commissioner

26 Dated at Oakland, California
27 this 6th day of February, 2014.