

FILED

December 29, 2014

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BUREAU OF REAL ESTATE

By 

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BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
ALEXIS DEMETRIS PAPAHA DJOPOULOS,)
Respondent.)

NO. H- 11785 SF

ACCUSATION

The Complainant, ROBIN TANNER, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in her official capacity for cause of Accusation against ALEXIS DEMETRIS PAPAHA DJOPOULOS (herein "Respondent") dba Berkeley Property Management, and is informed and alleges as follows:

1

At all times herein mentioned, Respondent was and now is licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) (herein "the Code").

2

At all times herein mentioned, Respondent was and now is licensed by the Bureau of Real Estate (herein "the Bureau") as a real estate broker.

3

At all times herein mentioned Respondent engaged in the business of, acted in the capacity of, advertised, or assumed to act as a real estate broker wherein, on behalf of others, for

1 compensation or in expectation of compensation within the State of California within the
2 meaning of Section 10131(b) of the Code in the operation of a property management business
3 with the public wherein Respondent leased or rented or offered to lease or rent, placed for rent,
4 or solicited listings of places for rent, or solicited for prospective tenants, or negotiated the sale,
5 purchase or exchanges of leases on real property, or on a business opportunity, or collected rents
6 from real property or improvements thereon or from business opportunities.

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8 In so acting as a real estate broker, as described in Paragraph 3 above, Respondent
9 accepted or received funds in trust (herein "trust funds") from or on behalf of owners, tenants,
10 and others in connection with the leasing, renting, and collection of rents on real property or
11 improvements thereon.

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13 The aforesaid trust funds accepted or received by Respondent were deposited or
14 caused to be deposited by Respondent into one or more bank accounts maintained by Respondent
15 for the handling of trust funds at the following financial institutions including, but not necessarily
16 limited to:

- 17 (a) JPMorgan Chase Bank, N.A., "Berkeley Property Management, Inc.,"
18 account number xxxxx6157 (herein "Bank Account #1");
19 (b) JPMorgan Chase Bank, N.A., "Randall Farrimond by Berkeley Property
20 Management, Inc Agent," account number xxxxxx0753 (herein "Bank
21 Account #2");
22 (c) JPMorgan Chase Bank, N.A., "Taraca Pacific Inc by Berkeley Property
23 Management, Inc Agent", account number xxxxx0398 (herein "Bank
24 Account #3");
25 (d) JPMorgan Chase Bank, N.A., "Gerald H. Lombardi by Berkeley Property
26 Management, Inc Agent," account number xxxxxx5783 (herein "Bank
27 Account #4");

- 1 (e) JPMorgan Chase Bank, N.A., "Berkeley Property Management, Inc,"
2 account number xxxxx1733 (herein "Bank Account #5"); and
3 (f) JPMorgan Chase Bank, N.A., "Berkeley Property Management, Inc,"
4 account number xxxxx9910 (herein "Bank Account #6").

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6 Between about May 21, 2014 and about May 30, 2014, an audit was conducted of
7 the records of Respondent in connection with the activities described in Paragraphs 4 through 5,
8 above. The auditor herein examined the records for the period between about January 1, 2013
9 and about April 30, 2014, and found Respondent:

- 10 (a) failed to place trust funds entrusted to Respondent into the hands of a
11 principal on whose behalf the funds were received, into a neutral
12 escrow depository, or into a trust fund account in the name of
13 Respondent as trustee at a bank or other financial institution, in
14 conformance with the requirements of Section 10145 of the Code
15 and Section 2832 of Chapter 6, Title 10, of the California Code of
16 Regulations (herein "the Regulations");
17 (b) failed to keep a columnar record in chronological sequence of all
18 trust funds received and disbursed from Bank Account #6 containing
19 all the information, as required by Section 2831 of the Regulations;
20 (c) caused, suffered or permitted funds of others which was received and
21 held by Respondent in Bank Account #6 to be commingled with
22 Respondent's own money, in violation of Section 10176(e) of the
23 Code; and
24 (d) failed to obtain a real estate license bearing the fictitious business
25 name "Berkeley Property Management" while conducting activities
26 for which a license was required under said fictitious business name,
27 in violation of Section 2731 of the Regulations.

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

- (a) as to Paragraph 6(a) under Section 10145 of the Code and Section 2832 of the Regulations in conjunction with Section 10177(d) of the Code;
- (b) as to Paragraph 6(b) under Section 2831 of the Regulations in conjunction with Section 10177(d) of the Code;
- (c) as to Paragraph 6(c) under Section 10176(e) of the Code;
- and
- (d) as to Paragraph 6(d) under Section 2731 of the Regulations in conjunction with Section 10177(d) of the Code.

COST RECOVERY

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Audit Costs

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

9

Investigation and Enforcement Costs

Section 10106 of the Code provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Bureau, 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 Real Estate Law (Part 1 of
4 Division 4 of the Business and Professions Code), for the cost of the investigation and
5 enforcement as permitted by law, and for such other and further relief as may be proper under
6 other applicable provisions of law.

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11 ROBIN TANNER
12 Deputy Real Estate Commissioner

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15 Dated at Oakland, California
16 this 16th day of December, 2014.