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AUG 17 2015

BUREAU OF REAL ESTATE

By S. Black

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of

LAURIE NAKASO,

Respondent.

No. H-11841 SF

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on July 23, 2015, and the findings of fact set forth herein, which are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and (3) other evidence.

This Decision revokes a real estate license on grounds of the violations of the Real Estate Law (Part 1 of Division 4 of the California Business and Professions Code, and Title 10 of the California Code of Regulations).

The right to reinstatement of a revoked real estate license is controlled by Section 11522 of the Government Code. A copy of Section 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of Respondent.

FINDINGS OF FACT

1

On April 20, 2015, Robin S. Tanner made the Accusation in her official capacity as a Deputy Real Estate Commissioner of the State of California, Bureau of Real Estate ("the

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Bureau”) against Respondent LAURIE NAKASO (“Respondent”). The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, return receipt requested, to Respondent's last known mailing address on file with the Bureau on April 23, 2015.

On July 23, 2015, no Notice of Defense having been received or filed herein within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

2

Respondent 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 salesperson. At no time mentioned herein was Respondent licensed as a real estate broker.

3

Mehdi F. Zakerin (“Zakerin”) is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the Code, as a real estate broker doing business as Flyingfish Real Estate. At all times relevant herein, Zakerin was the employing broker of Respondent.

4

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

First Cause of Action

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Respondent agreed to manage property commonly known as 1381 Del Rio Circle, #D, Concord, California (Del Rio Property) for the owner, Mrs. SG.

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Respondent failed to execute a written property management agreement for the Del Rio Property.

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In or around June 2010, Respondent placed tenant Dwayne T. in the Del Rio Property. Dwayne T's rent was subsidized by the Contra Costa Housing Authority (CCHA).

8

CCHA paid rent subsidies in the amount of \$1,600.00 per month for the benefit of Dwayne T. directly to Respondent's Bank Account #1. Each month, Respondent would then remit \$1,550.00 to Mrs. SG.

9

CCHA continued to remit rent subsidies to Bank Account #1 through January of 2014. However, Respondent ceased to remit any rent subsidy payments to Mrs. SG after April 2013.

10

Payments from CCHA in rent subsidies from May 2013 through January 2014 totaled \$9,980.00. Respondent represented that she sent a check in the amount of \$9,980.00, representing the lump sum for the period of time indicated above, to Mrs. SG.

11

Respondent did not provide proof of the check mentioned in Paragraph 10, above, being sent to, or cashed by Mrs. SG. CCHA had no information to confirm this claim made by Respondent. Subsequent to the Bureau's audit, Mrs. SG was paid the amount she was owed.

12

The representations that Respondent made above were untrue and Respondent knew them to be untrue at the time and were made for the purpose of causing escrow to close on both properties so that Respondent could convert the rent subsidy funds paid by CCHA.

Second Cause of Action

13

Beginning on August 12, 2014, and continuing intermittently through October 16, 2014, an audit was conducted at Zakerin's main office located on 323 Village Square, Orinda, California, where the auditor examined records for the period of October 1, 2012, through July 31, 2014 (the audit period).

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Even through Respondent was not a real estate broker, she conducted broker activities, as described in Paragraph 4, above, and within the audit period, Respondent accepted or received funds in trust ("trust funds") from or on behalf of property owners, lessees and others in connection with property management activities, deposited or caused to be deposited those funds into bank accounts maintained by Respondent as follows: at Bank of America P.O. Box 25118, Tampa, Florida, 33622-5118, as described below:

BANK ACCOUNT #1	
Account No.:	XXXXXX1409
Entitled:	Flying Fish Real Estate, Sole Prop Laurie Nakaso

and at First Republic Bank, 111 Pine Street, San Francisco, CA 94111, as described below:

BANK ACCOUNT #2	
Account No.:	XXXXXXXX2360
Entitled:	Flying Fish Real Estate, Inc.

and at Wells Fargo Bank, P.O. Box 6995, Portland, OR 97228-6995, as described below:

BANK ACCOUNT #3	
Account No.:	XXXXX8722
Entitled:	Laurie Nakoso-Aikawa dba Flying Fish Real Estate

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

On or about August 11, 2014, at the request of Respondent, Zakerin was added as a signatory to Bank Account #2, which was a pre-existing account that Respondent had established. Zakerin had no knowledge of Bank Account #1 or Bank Account #3 until after the audit began.

In the course of the activities described in Paragraph 4, in connection with the collection and disbursement of trust funds, Respondent violated Sections 2831 (control records), 2831.1 (separate beneficiary records), 2831.2 (monthly reconciliations), 2832 (trust fund designation) and 2835 (commingling) of Title 10 of the California Code of Regulations (“the Regulations”) and of Sections 10130 (broker activity), 10145 (trust fund handling), 10148 (retention of real estate records), and 10176(e) (commingling) of the Code.

DETERMINATION OF ISSUES

1

Cause for the suspension or revocation of all licenses and license rights of Respondent exists with reference to the facts set out in Paragraphs 2 through 12 of the Findings of Fact, above, pursuant to Sections 10176(a), 10176(b), 10176(i), 10177(d), and 10177(g) of the Code.

2

Cause for the suspension or revocation of all licenses and license rights of Respondent exists with reference to the facts set out in Paragraphs 2 through 4, and 13 through 16 of the Findings of Fact, above, pursuant to Sections 10176(e), 10177(d) and 10177(g) of the Code, in conjunction with Sections 2831, 2831.1, 2831.2, 2832 and 2835 of the Regulations, and Sections 10130, 10145, and 10148 of the Code.

3

The standard of proof applied was clear and convincing proof to a reasonable certainty.

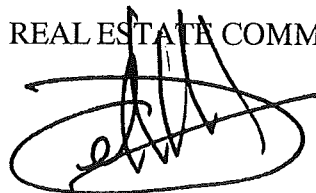
ORDER

All licenses and licensing rights of Respondent LAURIE NAKASO, under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on **SEP 07 2015**

DATED: August 8, 2015

REAL ESTATE COMMISSIONER



By: JEFFREY MASON
Chief Deputy Commissioner

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JUL 23 2015
BUREAU OF REAL ESTATE
By S. Black

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. <i>H-11841 SF</i>
)	
LAURIE K NAKASO,)	<u>DEFAULT ORDER</u>
)	
Respondent.)	
)	

Respondent LAURIE K NAKASO, having failed to file a Notice of Defense within the time required by Section 11506 of the Government Code, is now in default. It is, therefore, ordered that a default be entered on the record in this matter.

IT IS SO ORDERED July 23, 2015.

Real Estate Commissioner

By: Joe M. Carrillo
JOE M. CARRILLO
Regional Manager