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FILED

OCT 06 2015

BUREAU OF REAL ESTATE

By B. Nicholas

8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of :

12 GOLDEN KEY REALTY &
13 MORTGAGE BANKERS, INC.
14 and SAMUEL GBOVADEH GBILIA

15 Respondents.

No. H-11895 SF

ACCUSATION

16 The Complainant, ROBIN S. TANNER, a Supervising Special Investigator of the
17 State of California, for cause of Accusation against GOLDEN KEY REALTY & MORTGAGE
18 BANKERS, INC. ("GOLDEN KEY"), and SAMUEL GBOVADEH GBILIA ("GBILIA")
19 (collectively referred to as "Respondents"), is informed and alleges as follows:

20 PRELIMINARY ALLEGATIONS

21 1

22 The Complainant, ROBIN S. TANNER, a Supervising Special Investigator of
23 the State of California, makes this Accusation in her official capacity.

24 2

25 Respondents are presently licensed and/or have license rights under the Real
26 Estate Law, Part 1 of Division 4 of the Business and Professions Code ("Code").

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At all times mentioned herein, GOLDEN KEY was and is licensed by the State of California Bureau of Real Estate ("Bureau") as a corporate real estate broker. On or about August 1, 2008, the California Secretary of State suspended the corporate powers, rights and privileges of GOLDEN KEY. To date, the corporate powers, rights and privileges of GOLDEN KEY remain suspended by the California Secretary of State.

At all times mentioned herein, GBILIA was and is licensed by the Bureau individually as a real estate broker. At all times mentioned herein, GBILIA is and was the designated broker/officer of GOLDEN KEY. As said designated broker/officer, GBILIA was, at all times mentioned herein, responsible, pursuant to sections 10159.2 and 10177(h) of the Code, for the supervision of the activities of the officers, agents, real estate licensees and employees of GOLDEN KEY for which a real estate license is required.

At all times mentioned herein, 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(a) of the Code, including the operation and conduct of a real estate resale brokerage with the public, wherein, on behalf of others, for compensation or in expectation of compensation, Respondents sold and offered to sell, bought and offered to buy, solicited prospective sellers and purchasers of, solicited and obtained listings of, and negotiated the purchase and resale of real property.

Whenever reference is made in an allegation in this Accusation to an act or omission of GOLDEN KEY, such allegation shall be deemed to mean that the officers, directors, employees, agents and real estate licensees employed by or associated with GOLDEN KEY committed such act or omission while engaged in the furtherance of the business or operations of

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1 GOLDEN KEY and while acting within the course and scope of their corporate authority and
2 employment.

3 FIRST CAUSE OF ACTION
4 Conducting Business While Not in Good Standing
5 (As to Respondent GOLDEN KEY only)

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7 Each and every allegation in Paragraphs 1 through 6, inclusive, is incorporated by
8 this reference as if fully set forth herein.

9 8

10 In the course and scope of the activities set forth above in Paragraph 5, GOLDEN
11 KEY, through the solicitation and negotiation of its licensed employees, entered into listing
12 agreements with sellers to market and sell their real property, solicited buyers, and/or negotiated
13 the sale and purchase of real properties on behalf of sellers and buyers, including, but not limited
14 to, the following transactions:

Property Address	Name of Respondent's client	Party in the transaction	Offer Date	Close Date
2109 Asilomar Dr. Antioch, CA 94509	Veronica K.	Buyer	1/15/2014	3/7/2014
760 Stoneman Ave. Pittsburg, CA 94565	Prince N. Edith N.	Sellers	2/20/2013	9/27/2013
145 Cooper Knoll Way Oakley, CA 94561	Roseline G.	Seller	12/14/2012	4/12/2013

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16 As set forth above in Paragraphs 3 and 5-8, at all times herein mentioned,
17 GOLDEN KEY engaged in activities requiring a real estate license while its corporate status
18 was suspended.

19 10

20 The facts alleged above in Paragraphs 3 and 5-9 constitute cause for the
21 suspension or revocation of all licenses and license rights of GOLDEN KEY under title 10,
22 section 2742(c) of the California Code of Regulations (operating while not in good standing
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1 with Secretary of State), in conjunction with section 10177(d) of the Code (willful disregard for
2 the real estate law) and/or 10177(g) of the Code (negligence).

3 SECOND CAUSE OF ACTION
4 Misrepresentation
(As to Respondent GBILIA only)

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6 Each and every allegation in Paragraphs 1 through 10, inclusive, is incorporated
7 by this reference as if fully set forth herein.

8 12

9 On or about March 1, 2013, Respondent GBILIA made application to the Bureau
10 of Real Estate of California to serve as the corporate officer of GOLDEN KEY.

11 13

12 In response to Question 17 of said application, to wit: "Is the corporation
13 currently in good standing with the Office of the Secretary of State?" GBILIA answered "yes,"
14 and in so doing concealed and failed to disclose that the corporate powers, rights and privileges
15 of GOLDEN KEY had been suspended by the California Secretary of State.

16 14

17 In failing to disclose that GOLDEN KEY'S corporate license was suspended by
18 the Secretary of State Office, as set forth in Paragraph 13, GBILIA procured or attempted to
19 procure a real estate license by fraud, misrepresentation, or deceit, or by making a material
20 misstatement of fact in said application, which constitutes grounds for the suspension or
21 revocation of all licenses and license rights of GBILIA under section 10177(a) of the Code
22 (misrepresentation on license renewal application).

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1 THIRD CAUSE OF ACTION
2 Failure to Supervise
3 (As to Respondent GBILIA only)

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5 Each and every allegation in Paragraphs 1 through 14, inclusive, is incorporated
6 by this reference as if fully set forth herein.

7 16

8 GBILIA, as the designated broker officer of GOLDEN KEY, was required to
9 exercise reasonable supervision and control over the activities of GOLDEN KEY. GBILIA
10 failed to exercise reasonable supervision over the acts and/or omissions of GOLDEN KEY in
11 such a manner as to allow the acts and/or omissions as described in Paragraphs 7 through 10,
12 above, to occur in violation of section 10159.2 of the Code (duty of designated officer to
13 supervise activities of the corporation).

14 17

15 The facts described above as to the Third Cause of Action constitute cause for the
16 discipline of all licenses and license rights of GBILIA under section 10177(g) of the Code
17 (negligence) and/or section 10177(h) of the Code (failure to supervise), in conjunction with
18 section 10177(d) of the Code (willful disregard for the real estate law).

19 COST RECOVERY

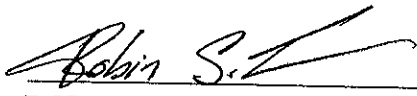
20 18

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

25 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
26 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary
27 action against all licenses and license rights of Respondents under the Code, for the costs of

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1 investigation and enforcement as permitted by law, and for such other and further relief as may
2 be proper under the provisions of law.

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ROBIN S. TANNER
Deputy Real Estate Commissioner

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6 Dated at Oakland, California,
7 this 1st day of October, 2015

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9 DISCOVERY DEMAND

10 Pursuant to section 11507.6, *et seq.* of the *Administrative Procedure Act*, the
11 Bureau hereby makes demand for discovery pursuant to the guidelines set forth in the
12 *Administrative Procedure Act*. Failure to provide Discovery to the Bureau may result in the
13 exclusion of witnesses and documents at the hearing or other sanctions that the Office of
14 Administrative Hearings deems appropriate.

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