

FILED

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BUREAU OF REAL ESTATE

By MR Robert

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BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of	)	
	)	No. H- 12064 SF
WILSON WONG,	)	
	)	<u>ACCUSATION</u>
Respondent.	)	
	)	

The Complainant, ROBIN S. TANNER, acting in her official capacity as a
Supervising Special Investigator of the State of California, for cause of Accusation against
WILSON WONG (Respondent), is informed and alleges as follows:

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

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At all times herein mentioned, Respondent conducted real estate activity under
his individual broker license and the fictitious business name, "Bay Area Real Estate,"
registered with the Bureau.

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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 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 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 rent from tenants.

Beginning on May 13, 2016 through May 17, 2016, an audit was conducted of the records of Respondent. The auditor examined the records for the period of January 1, 2015 through March 31, 2016 (the audit period).

FIRST CAUSE OF ACTION

Each and every allegation in Paragraphs 1 through 4, inclusive, is incorporated by this reference as if fully set forth herein.

Respondent, while acting as a real estate broker, as described in Paragraph 3, accepted or received funds in trust (trust funds) from or on behalf of owners and tenants in connection with the leasing, renting, and collection of rents on real properties owned by Walter and Wei Yiu G. at 886 and 894 West Winton, Hayward, and thereafter from time-to-time made disbursement of said trust funds.

In the course of the activities described in Paragraph 6, Respondent:

- (a) failed to place trust funds received into the hands of the principal, into a neutral escrow depository, or into a trust fund account within three days of

1 receipt, in violation of Section 2832, Title 10, of the California Code of
2 Regulations (the Regulations);

3 (b) failed to maintain an accurate columnar record in chronological sequence of
4 all trust funds received and disbursed, containing all required information, in
5 violation of Section 2831 of the Regulations; and

6 (c) failed to retain property management agreements as required by Section 10148
7 (a) of the Business and Professions Code (the Code).

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9 The acts and/or omissions described above constitute violations of Section 2831
10 (Trust Fund Records to Be Maintained), 2832 (Trust Fund Handling) of the Regulations and of
11 Section 10145 (a) and (g) (Handling of Trust Funds), 10148 (a) Retention of Records, 10177 (d)
12 (Willful Disregard of Real Estate Laws), and 10177 (g) (Negligence/Incompetence in Acts
13 Requiring a License) of the Code.

14 SECOND CAUSE OF ACTION

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16 Each and every allegation in Paragraphs 1 through 4, inclusive, is incorporated by
17 this reference as if fully set forth herein.

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19 Respondent, while acting as a real estate broker, as described in Paragraph 3,
20 accepted or received funds in trust (trust funds) from or on behalf of owners and tenants in
21 connection with the leasing, renting, and collection of rents on real properties owned by another
22 or others, including but not limited to the following:

<u>PROPERTY OWNER</u>	<u>PROPERTY LOCATION</u>
Yuk H. W.	677 Black Pine, San Leandro
Yuk H. W.	10500 Bancroft Avenue, Unit 6, Oakland
Ada S. N.	1259 Lillian Avenue, San Leandro

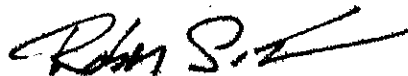
In the course of the activities described in Paragraph 10, Respondent failed to maintain an accurate columnar record in chronological sequence of all trust funds received and disbursed, containing all required information, in violation of Section 2831 of the Regulations.

The acts and/or omissions described above constitute violations of Section 2831 (Trust Fund Records to Be Maintained), Section 10145 (g) (Handling of Trust Funds), 10177 (d) (Willful Disregard of Real Estate Laws), and 10177 (g) (Negligence/Incompetence in Acts Requiring a License) of the Code.

COST RECOVERY

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.

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and license rights of Respondents under the Code, for the cost of investigation and enforcement as permitted by law, and for such other and further relief as may be proper under the provisions of law.



ROBIN S. TANNER
Supervising Special Investigator

Dated at Oakland, California,
this 5th day of April, 2017

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DISCOVERY DEMAND

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