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FILED

MAR 27 2017

BUREAU OF REAL ESTATE

By B. Nicholas

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of

BERNARD JEROME LAFFER,

Respondent.

No. H-12068 SF

ACCUSATION

The Complainant, ROBIN S. TANNER, a Supervising Special Investigator of the State of California, for cause of Accusation against BERNARD JEROME LAFFER (Respondent), is informed and alleges as follows:

PRELIMINARY ALLEGATIONS

1

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

2

Respondent is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code (Code).

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At all times mentioned, Respondent was and is licensed by the Bureau as a real estate salesperson. Beginning on or about August 21, 2013, and continuing through September

1 14, 2015, Respondent's salesperson license was affiliated under the brokerage of Alison James
2 of California, Inc. (AJ). At no time mentioned herein was Respondent licensed by the Bureau
3 as a real estate broker.
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6 At all times mentioned, Respondent engaged in the business of, acted in the
7 capacity of, advertised, or assumed to act as a real estate broker within the State of California
8 within the meaning of Section 10131(a) of the Code, including the operation and conduct of a
9 real estate resale brokerage with the public wherein, on behalf of others, for compensation or in
10 expectation of compensation, Respondent sold and offered to sell, bought and offered to buy,
11 solicited prospective sellers and purchasers of, solicited and obtained listings of, and negotiated
12 the purchase and resale of real property.

13 FIRST CAUSE OF ACTION

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

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18 Within the last three years, Respondent, without the knowledge or consent of AJ,
19 in course of the residential resale brokerage activities described in Paragraph 4, sold and offered
20 to sell, bought and offered to buy, solicited prospective sellers and purchasers of, solicited and
21 obtained listings of, and negotiated the purchase and resale of real property, including but not
22 limited to the following:

23

<u>Buyer/Seller</u>	<u>PROPERTY LOCATION</u>	<u>CLOSE OF ESCROW</u>
Chandar O. and Sirisha P.	3590 Hart Common, Fremont	7/14/14
William Penn A.	3130 Half Dome Drive, Pleasanton	9/11/14
Roxanne X. and Yong W.	2051 Cotterell Court, Pleasanton	12/1/14

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3 By the commission of the acts alleged in Paragraph 6, Respondent engaged in
4 the business and acted in the capacity of a real estate broker within the State of California as
5 defined by Section 10131(b) of the Code.

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7 The facts alleged in the First Cause of Accusation are grounds for the
8 suspension or revocation of Respondent's license and license rights pursuant to Section 10130
9 of the Code in conjunction with Section 10177(d) of the Code.

10 SECOND CAUSE OF ACTION

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

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15 While acting as a real estate licensee as described in Paragraph 4 and engaging
16 in the transactions described in Paragraph 6, Respondent presented to escrow Broker's Demand
17 letters directing how commission payments were to be paid at the close of escrow. Respondent
18 presented the Broker's Demand letters to escrow as if approved and/or signed by AJ. In truth,
19 Respondent signed these Broker's Demand letters without the consent, knowledge, and/or
20 permission of AJ's Designated Officer Kenneth Moon, Managing Broker Jeffrey Green, or
21 anyone else at AJ.

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23 The facts alleged in the Second Cause of Action are grounds for the suspension
24 or revocation of Respondent's licenses and license rights under Sections 10176(i) and 10177(j)
25 of the Code.

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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.


ROBIN S. TANNER
Supervising Special Investigator

DISCOVERY DEMAND

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