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**FILED**

JAN 22 2018

BUREAU OF REAL ESTATE

By B. Nicholas

8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

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11 In the Matter of the Accusation of )  
12 ) No. H-12105 SF  
13 ONSITE PROPERTY SYSTEMS, )  
14 and NICHOLAS JAMES KRAEMER, ) ACCUSATION  
15 Respondents. )

16 The Complainant, ROBIN S. TANNER, acting in her official capacity as a  
17 Supervising Special Investigator of the State of California, for this Accusation against ONSITE  
18 PROPERTY SYSTEMS ("ONSITE") and NICHOLAS JAMES KRAEMER ("KRAEMER"),  
19 (collectively "Respondents"), is informed and alleges as follows:

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

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24 ONSITE was issued a Real Estate Corporate Broker license on June 8, 2016.

25 3

26 KRAEMER was issued a Real Estate Broker license on October 19, 2010.

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On or about October 27, 2014, ONSITE registered as a Domestic Stock

1 Corporation with the California Secretary of State under the name Doorman Property  
2 Management, Inc. On or about March 27, 2017, ONSITE filed a Certificate of Amendment of  
3 Articles of Incorporation with the California Secretary of State, changing ONSITE'S name from  
4 Doorman Property Management, Inc. to Onsite Property Systems.

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6 Whenever reference is made in an allegation in this Accusation to an act or  
7 omission of ONSITE, such allegation shall be deemed to mean that the officers, directors,  
8 employees, agents and real estate licensees employed by or associated with ONSITE committed  
9 such acts or omissions while engaged in furtherance of the business or operation of ONSITE and  
10 while acting within the course and scope of their corporate authority and employment.

11 6

12 At all times mentioned, Respondents engaged in the business of, acted in the  
13 capacity of, advertised, or assumed to act as a real estate broker within the State of California  
14 within the meaning of Section 10131(b) of the Code, including the operation and conduct of a  
15 property management business with the public wherein, on behalf of others, for compensation or  
16 in expectation of compensation, Respondents leased or rented and offered to lease or rent, and  
17 solicited for prospective tenants of real property or improvements thereon, and collected rents  
18 from real property or improvements thereon.

19 FIRST CAUSE OF ACTION

20 7

21 Complainant refers to Paragraphs 1 through 6, above, and incorporates the same,  
22 herein by reference.

23 8

24 On or about February 25, 2016, and continuing intermittently through February  
25 26, 2016, an audit was conducted of the records of Respondents. The auditor herein examined  
26 the records for the period of January 1, 2015, through December 31, 2015 ("the audit period").

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While ONSITE was unlicensed, Respondents conducted property management activities, for or in expectation of compensation, including the collection of rent for properties, including but not limited to those real properties commonly known as 755 Templeton Avenue, Daly City, CA, 988 Fulton Street, San Francisco, CA, and 1640 Brockton Way, San Francisco, CA.

The acts and/or omissions of ONSITE as set forth in Paragraphs 7 through 9, above, constitute violations of Section 10130 of the Code, and are grounds for the suspension or revocation of ONSITE's license and license rights under Section 10177(d) (willful disregard or violation of real estate laws) of the Code.

The acts and/omissions of KRAEMER as set forth in Paragraphs 7 through 9, above constitute violations of Section 10137 (employ or compensate unlicensed entity) of the Code, and are grounds for the suspension or revocation of KRAEMER's license and license rights under Sections 10137, 10177(d), and 10177(g) (negligence or incompetence) of the Code.

#### SECOND CAUSE OF ACTION

Complainant refers to Paragraphs 1 through 11, above, and incorporates the same, herein by reference.

While acting as a real estate broker as described in Paragraph 6, above, and within the audit period, Respondents accepted or received funds in trust ("trust funds") from or on behalf of property owners, lessees and others in connection with property management activities, and deposited or caused to be deposited those funds into bank accounts maintained by Respondents at Wells Fargo, P.O. Box 6995, Portland, OR, as described below:

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TRUST ACCOUNT #1	
Account No.:	XXXXXX4961
Entitled:	Doorman Property Management, Inc. Real Estate Trust Operating Trust Account
TRUST ACCOUNT #2	
Account No.:	XXXXX7628
Entitled:	Doorman Property Management, Inc. Real Estate Trust Account Security Deposit

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

14

In the course of the activities described in Paragraph 6, above, in connection with the collection and disbursement of trust funds, it was determined that Respondents failed to deposit trust funds in an account properly designated in the name of a holder of a license as trustee.

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The acts and/omissions of Respondents as set forth in Paragraphs 12 through 14, above, constitute violations of Section 10145 of the Code and Section 2832, Title 10, of the California Code of Regulations ("Regulations"), and are grounds for the suspension or revocation of KRAEMER's license under Sections 10177(d) and 10177(g) of the Code.

#### COST RECOVERY

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The acts and/or omissions of Respondents, as alleged above, entitle the Bureau to reimbursement of the costs of its audit pursuant to Section 10148(b) (audit costs for trust fund handling violation) 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.

PRIOR DISCIPLINARY ACTION

Effective January 23, 2015, in Case No. H-11687 SF, the Real Estate Commissioner suspended KRAEMER's real estate license, with the right to buy down the suspension and ordered KRAEMER to pay for the cost of the audit and follow up audit. The grounds for said discipline were violations of Sections 10145 and 10177(d) of the Code and Sections 2831, 2832, 2832.1, and 2834 of the Regulations.

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 Real Estate Law, for the cost of investigation and enforcement as permitted by law, and for such other and further relief as may be proper under other provisions of law.

  
ROBIN S. TANNER  
Supervising Special Investigator

Dated at Oakland, California,  
this 18<sup>th</sup> day of January, 2017.

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