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FILED

DEC 05 2017
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 MARY ANN KANYAL and) No. H-12161 SF
13 BAY AREA PROPERTY MANAGEMENT, INC.,)
14 Respondents.) ACCUSATION

15 The Complainant, ROBIN S. TANNER, in her official capacity as a Supervising
16 Special Investigator of the State of California, Bureau of Real Estate ("Bureau"), brings this
17 Accusation against MARY ANN KANYAL ("KANYAL") and BAY AREA PROPETY
18 MANAGEMNET, INC. ("BAPM") (collectively "Respondents"), and is informed and alleges as
19 follows:

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21 BAPM is presently licensed by the Bureau and/or has license rights under the Real
22 Estate Law, Part 1 of Division 4 of the California Business and Professions Code ("Code"), as a
23 corporate real estate broker. BAPM became licensed as a corporate real estate broker on or about
24 June 30, 2017.

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26 KANYAL is presently licensed by the Bureau and/or has license rights under the
27 Real Estate Law, Part 1 of Division 4 of the Code, as a real estate broker.

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2 Starting on or about June 30, 2017, KANYAL became the designated officer for
3 BAPM.

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5 At all times relevant herein, Respondents engaged in the business of, acted in the
6 capacity of, advertised or assumed to act as real estate licensees within the State of California within
7 the meaning of Section 10131(b) of the Code including the operation and conduct of a property
8 management business with the public, wherein, on behalf of others, for compensation or in
9 expectation of compensation, Respondents leased or rented or offered to lease or rent, and solicited
10 for prospective tenants of real property or improvements thereon, and collected rents from real
11 property or improvements thereon.

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13 Whenever reference is made in this Accusation to an act or omission of BAPM, such
14 allegation shall be deemed to mean that the employees, agents and real estate licensees employed
15 by or associated with BAPM committed such act or omission while engaged in furtherance of the
16 business or operations of BAPM and while acting within the course and scope of their authority and
17 employment.

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19 Beginning on or about April 4, 2017, and continuing through August 3, 2017, an
20 audit was conducted of the real estate business activities of KANYAL, located at 800 West El
21 Camino Real, Suite 180, Mountain View, CA 94040. The auditor examined the business records of
22 KANYAL for the period of January 1, 2016, through March 31, 2017, ("the audit period").

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24 While engaging in the real estate activities described in Paragraph 4, above, and
25 within the audit period, Respondents accepted or received funds in trust ("trust funds") and
26 deposited or caused the funds to be deposited into bank accounts maintained as follows:

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1 Bank Account #1

2 Bank Name: Bank of America
3 227 S San Antonio Rd., Los Altos, CA
4 Account Name: Bay Area Property Management, Inc.
5 Account No.: Last 4 Digits: 0341
6 Signatories: Mary Ann Kanyal, REB
7 David Rock, REB
8 Steven Hoffman, unlicensed
9 Sylvia Barlaan, unlicensed
10 Description: Handle property management activities for the property
11 located at 1300 Montecito Avenue.

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13 Bank Account #2

14 Bank Name: Bank of America
15 227 S San Antonio Rd., Los Altos, CA
16 Account Name: Bay Area Property Management, Inc.
17 Account No.: Last 4 Digits: 7506
18 Signatories: Mary Ann Kanyal, REB
19 David Rock, REB
20 Steven Hoffman, unlicensed
21 Sylvia Barlaan, unlicensed
22 Description: Handle property management activities for the property
23 located at 16945 Roberts Road.

24 Bank Account #3

25 Bank Name: Bank of America
26 227 S San Antonio Rd., Los Altos, CA
27 Account Name: Bay Area Property Management, Inc.

1 Account No.: Last 4 Digits: 2481
2 Signatories: Mary Ann Kanyal, REB
3 David Rock, REB
4 Steven Hoffman, unlicensed
5 Sylvia Barlaan, unlicensed
6 Description: Handle property management activities for the property
7 located at 825 Kiely Boulevard.

8 Bank Account #4

9 Bank Name: Bank of America
10 227 S San Antonio Rd., Los Altos, CA
11 Account Name: Bay Area Property Management, Inc.
12 Account No.: Last 4 Digits: 7335
13 Signatories: Mary Ann Kanyal, REB
14 David Rock, REB
15 Steven Hoffman, unlicensed
16 Sylvia Barlaan, unlicensed
17 Description: Handle property management activities for the property
18 located at 1500 Laurel Theater Apartments.

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20 In the course of the real estate activities described in Paragraph 4, above, and during
21 the audit period, it was discovered:

22 (a) KANYAL was performing licensed real estate activities through BAPM, an
23 unlicensed corporation in violation of Section 10130 of the Code;

24 (b) KANYAL used as her main office location 229 Polaris Avenue # 1,
25 Mountain View, CA, an unregistered address, in violation of Section 10162 of the Code;

26 (c) KANYAL failed to designate Bank Account # 1, Bank Account #2, Bank
27 Account #3, and Bank Account #4 as real estate trust or trustee accounts in the name of the broker

The acts and/or omissions of BAPM, as described above in Paragraph 8(a) through 8(f), constitute violations of Sections 10130, 10145, 10159.5, 10162, 10177(d), 10177(g) of the Code, in conjunction with Sections 2731, 2831, 2832, 2834 of the Regulations.

AUDIT COSTS

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 violations) of the Code.

COST OF INVESTIGATION AND ENFORCEMENT

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 revoking all licenses and license rights of Respondent under the Real Estate Law, for the cost of investigation and enforcement as permitted by law, for the cost of the audit 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 1st day of December, 2017.

1 DISCOVERY DEMAND

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

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