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FILED

DEC 13 2017

BUREAU OF REAL ESTATE

By H. A. [Signature]

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of
THOMAS GERARD HAURY,
Respondent.

No. H-12177 SF
ACCUSATION

The Complainant, ROBIN S. TANNER, a Supervising Special Investigator of the State of California, for cause of Accusation against THOMAS GERARD HAURY (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).

3

At all times mentioned, Respondent was and is licensed by the Bureau as a restricted real estate broker.

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1 4

2 At no time mentioned was Haury Properties, LLC (HP) licensed by the Bureau in
3 any capacity. HP is the limited liability company registered in the State of California.
4 Respondent is the manager of HP.

5 5

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(b) of the Code, including the operation and conduct of a
9 property management business with the public wherein, on behalf of others, for compensation or
10 in expectation of compensation, Respondent leased or rented and offered to lease or rent, and
11 solicited for prospective tenants of real property or improvements thereon, and collected rents
12 from real property or improvements thereon.

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14 On or about March 10, 2017, an audit was conducted of the records of
15 Respondent. The auditor herein examined the records for the period of March 1, 2016, through
16 February 28, 2017.

17 FIRST CAUSE OF ACTION

18 7

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

21 8

22 Within the last three years, Respondent, on behalf of HP, in the course of the
23 property management brokerage activities described in Paragraph 5, solicited prospective tenants
24 for, negotiated rental agreements for and collected rents from real properties owned by another or
25 others, including but not limited to the following:

26 ///

27 ///

<u>PROPERTY OWNER</u>	<u>PROPERTY LOCATION</u>
Green Valley Corporation	1025 Terra Bella Avenue, Mountain View, CA
SCP Manteca, LLC	970 Terra Bella Avenue, Mountain View, CA

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In acting as described above, Respondent willfully caused, suffered, and/or permitted, HP to willfully disregard Section 10130 of the Code.

10

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

SECOND CAUSE OF ACTION

11

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

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While acting as a real estate broker as described in Paragraph 5, Respondent 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 property or improvements thereon, as alleged herein, and thereafter from time-to-time made disbursements of said trust funds.

13

The trust funds accepted or received by Respondent as described in Paragraph 5 were deposited or caused to be deposited by Respondent into trust accounts which were maintained by Respondent for the handling of trust funds, and thereafter from time-to-time Respondent made disbursements of said trust funds, identified as follows:

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ACCOUNT # 1	
Bank Name and Location:	Wells Fargo P.O. Box 6995 Portland, OR 97228-6995
Account No.:	XXXXXX1222
Entitled:	Haury Properties, LLC

ACCOUNT #	
Bank Name and Location:	Wells Fargo P.O. Box 6995 Portland, OR 97228-6995
Account No.:	XXXXXX9433
Entitled:	Haury Properties, LLC

14

In the course of the activities described in Paragraph 5, Respondent:

a) failed to deposit trust funds into one or more trust fund accounts in the name of Respondent as trustee at a bank or other financial institution, in conformance with Section 10145 of the Code and Section 2832 of the Regulations; and

b) failed to disclose license identification numbers on his website, www.haury.com, in violation of Section 10140.6(b) of the Code and Section 2773 of the Regulations.

15

The acts and/or omissions of Respondent as alleged in the Second Cause of Action constitute grounds for the suspension or revocation of all licenses and license rights of Respondent, pursuant to the following provisions of the Code and Regulations:

As to Paragraph 14(a), under Sections 10177(d) and/or 10177(g) of the Code in conjunction with Section 10145 of the Code and Section 2832.1 of the Regulations;

As to Paragraph 14(b), under Sections 10177(d) and/or 10177(g) of the Code in conjunction with Section 2773 of the Regulations and Section 10140.6(b) of the Code.

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1 COST RECOVERY

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

6 17

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

11 PRIOR DISCIPLINARY ACTION

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13 Effective September 15, 2014, in Case No. H-11590 SF before the Bureau, the
14 Real Estate Commissioner revoked the real estate broker license of Respondent, for violation of
15 Sections 490(a) and 10177(b) of the Code, but granted the right to a restricted real estate broker
16 license, on terms, conditions, and restrictions set forth in the Order.

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

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23 ROBIN S. TANNER
24 Supervising Special Investigator

25 Dated at Oakland, California,
26 this 11th day of December, 2017