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FILED

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BUREAU OF REAL ESTATE

By H. Diaz

9 BEFORE THE BUREAU OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)

13 JOSEPH BATISTE VILLA,)

14 Respondent.)

No. H-12191 SF

ACCUSATION

15 The Complainant, ROBIN S. TANNER, a Supervising Special Investigator of the
16 State of California, for cause of Accusation against JOSEPH BATISTE VILLA (Respondent), is
17 informed and alleges as follows:

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

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

24 3

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

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At all times 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 and offered to lease or rent, and solicited for prospective tenants of real property or improvements thereon, and collected rents from real property or improvements thereon.

On or about January 6, 2016, an audit was conducted of the records of Respondent. The auditor herein examined the records for the period of December 1, 2015, through November 30, 2016.

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.

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:	Bank of America, N.A. P.O. Box 25118 Tampa, FL 33622-5118
Account No.:	XXXX-XXXX-0254
Entitled:	Four Plus Real Estate Trust Account

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

- a) caused, suffered, or permitted the balance of funds in Account #1 to be reduced to an amount which, as of November 30, 2016, was approximately \$23,076.07 less than the aggregate liability of Account #1 to all owners of such funds in violation of Section 10145 of the Code and Section 2832.1 of Title 10 of the California Code of Regulations (Regulations);
- b) caused, permitted, and/or allowed, Joseph James Villa, an unlicensed individual without fidelity bond coverage, to be a signatory on the trust account, in violation of Section 2834 of the Regulations; and
- c) conducted real estate activities using the fictitious business names "Four Plus Real Estate" and "VPM Real Estate Services", without first registering this fictitious business names with the Bureau as required by Section 10159.5 of the Code and Section 2731 of the Regulations.

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The acts and/or omissions of Respondent as alleged above 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 8(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 8(b), under Sections 10177(d) and/or 10177(g) of the Code in conjunction with Section 2834 of the Regulations and Section 10145 of the Code; and

As to Paragraph 8(c), under Sections 10177(d) and/or 10177(g) of the Code in conjunction with Section 2731 of the Regulations and Section 10159.5 of the Code.

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.

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

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17 ROBIN S. TANNER
18 Supervising Special Investigator

19 Dated at Oakland, California,

20 this 11th day of January, 2018

21 DISCOVERY DEMAND

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