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DEPARTMENT OF REAL ESTATE
By B. Nicholas

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of

MARILYN LAURA GRIFFIN,

Respondent.

No. H-12417 SF

ACCUSATION

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

PRELIMINARY ALLEGATIONS

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

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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 Department
individually as a 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 in the State of California, within the meaning of Section 10131(b) of the Code in 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 placed for rent, and solicited listings of places for rent, and solicited for prospective tenants of real property or improvements thereon, and collected rents from real property or improvements thereon.

On or about December 12, 2018, and continuing intermittently through December 18, 2018, an audit was conducted of the records of Respondent. The auditor herein examined the records for the period of July 1, 2017, through October 31, 2018.

While acting as a real estate broker as described in Paragraph 4, 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 6 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 Bank P.O. Box 6995 Portland, OR 97228-6995
Account No.:	XXXXXXX3633
Entitled:	Marilyn Griffin Thomas Griffin DBA Diversified Funds

ACCOUNT # 2	
Bank Name and Location:	Wells Fargo Bank P.O. Box 6995 Portland, OR 97228-6995
Account No.:	XXXXXXX3013
Entitled:	Marilyn Griffin DBA Diversified Funds

ACCOUNT # 3	
Bank Name and Location:	Wells Fargo Bank P.O. Box 6995 Portland, OR 97228-6995
Account No.:	XXXXXXX0730
Entitled:	Marilyn Griffin Thomas Griffin DBA Diversified Funds

ACCOUNT # 4	
Bank Name and Location:	Wells Fargo Bank P.O. Box 6995 Portland, OR 97228-6995
Account No.:	XXXXXXX8605

1 Entitled:

Marilyn Griffin Thomas Griffin DBA Diversified Funds

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3 In the course of the activities described in Paragraph 4, Respondent:

4 (a) Caused, suffered, or permitted the balance of funds in Account #1 to be
5 reduced to an amount which, as of October 31, 2018, was approximately \$6,315.83 less than the
6 aggregate liability of Account #1 to all owners of such funds in violation of Section 10145 of the
7 Code and Section 2832.1 of Title 10 of the California Code of Regulations (Regulations).

8 (b) Failed to deposit trust funds into a trust fund account in the name of
9 Respondent as trustee at a bank or other financial institution, in conformance with Section 10145
10 of the Code and Section 2832 of the Regulations.

11 (c) caused, permitted, and/or allowed, the possible withdrawal of trust funds
12 from Account #1, 2, 3, and 4, by Thomas Griffin and Gigi Griffin, who were not licensed under
13 Respondent and not covered by an adequate fidelity bond in violation of Section 2834 of the
14 Regulations.

15 (d) failed to keep accurate separate records for each beneficiary or transaction,
16 accounting therein for all funds which were deposited into Account #1 containing all of the
17 information required by Section 2831.1 of the Regulations; and

18 (e) failed to reconcile the balance of separate beneficiary or transaction
19 records with the control record of trust funds received and disbursed at least once a month,
20 and/or failed to maintain a record of such reconciliations for Account #2 as required by Section
21 2831.2 of the Regulations.

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23 The facts alleged above are grounds for the suspension or revocation of
24 Respondent's license and license rights under the following sections of the Code and
25 Regulations:

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1 As to Paragraph 9(a), under Sections 10177(d) and/or 10177(g) of the Code in
2 conjunction with Section 10145 of the Code and Section 2832.1 of the Regulations;

3 As to Paragraph 9(b), under Sections 10177(d) and/or 10177(g) of the Code in
4 conjunction with Section 2832 of the Regulations and Section 10145 of the Code;

5 As to Paragraph 9(c), under Sections 10177(d) and/or 10177(g) of the Code in
6 conjunction with Section 2834 of the Regulations and Section 10145 of the Code;

7 As to Paragraph 9(d), under Sections 10177(d) and/or 10177(g) of the Code in
8 conjunction with Section 2831.1 of the Regulations and Section 10145 of the Code;

9 As to Paragraph 9(e), under Sections 10177(d) and/or 10177(g) of the Code in
10 conjunction with Section 2831.2 of the Regulations and Section 10145 of the Code;

11 COST RECOVERY

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

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

22 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
23 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary
24 action against all licenses and license rights of Respondent under the Code, for the cost of

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1 investigation and enforcement as permitted by law, for the cost of the audit, and for such other
2 and further relief as may be proper under other provisions of law.
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6 ROBIN S. TANNER
7 Supervising Special Investigator
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9 Dated at Oakland, California,
10 this 1st day of October, 2019.
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15 DISCOVERY DEMAND

16 Pursuant to Sections 11507.6, *et seq.* of the *Government Code*, the Department of Real
17 Estate hereby makes demand for discovery pursuant to the guidelines set forth in the
18 *Administrative Procedure Act*. Failure to provide Discovery to the Department of Real Estate
19 may result in the exclusion of witnesses and documents at the hearing or other sanctions that the
20 Office of Administrative Hearings deems appropriate.
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