

FILED

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DEPARTMENT OF REAL ESTATE

By

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

PACIFIC PARK REALTY INC and

KEITH KURTIS PAPULIAS,

Respondents.

No. H-12439 SF

ACCUSATION

The Complainant, ROBIN S. TANNER, acting in her official capacity as a Supervising Special Investigator of the State of California, for cause of Accusation against Respondents PACIFIC PARK REALTY INC (PPRI) and KEITH KURTIS PAPULIAS (PAPULIAS), sometimes collectively referred to as Respondents, is informed and alleges as follows:

1

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

2

At all times mentioned, PPRI was and is licensed by the State of California Department of Real Estate (Department) as a real estate broker corporation.

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On or about November 1, 2013, the California Franchise Tax Board and the California Secretary of State suspended the corporate powers, rights and privileges of PPRI. To date, the corporate powers, rights and privileges of PPRI remain suspended by the California Secretary of State.

At all times mentioned herein, PAPULIAS was and is licensed by the Department individually as a real estate broker, and as the designated broker officer of PPRI. As the designated broker officer, PAPULIAS was responsible, pursuant to Section 10159.2 of the Code, for the supervision of the activities of officers, agents, real estate licensees and employees of PPRI for which a real estate license is required to ensure the compliance of the corporation with the Real Estate Law and Regulations.

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

At all times herein mentioned, Respondents engaged in the business of, acted in the capacity of, advertised, or assumed to act as real estate brokers 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, Respondents leased or rented or offered to lease or rent, or placed for rent, or solicited listings of places for rent, or solicited for prospective tenants, or negotiated the sale, purchase or exchanges of leases on real property, or on a business

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1 opportunity, or collected rents from real property, or improvements thereon, or from business
2 opportunities.

3 FIRST CAUSE OF ACTION

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5 Each and every allegation in Paragraphs 1 through 5, inclusive, is incorporated by
6 this reference as if fully set forth herein.

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8 On or about January 10, 2018, an audit was conducted of the records of PPMI.
9 The auditor examined records for the period of October 1, 2016, through December 31, 2017
10 (the audit period).

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12 In the course of the activities described in Paragraph 5, Respondents:

- 13
- 14 (a) Engaged in the business of a real estate broker while not in good
15 legal standing with the California Office of the Secretary of State,
16 in violation of Section 2742 (c) of Chapter 6, Title 10, California
17 Code of Regulations (Regulations); and
- 18 (b) Failed to maintain a principal place of business address for PPRI's
19 brokerage activities on file with the Department, in violation of
20 Section 10162 of the Code and Section 2715 of the Regulations.

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22 The acts and/or omissions described above constitute violations of Sections 2715
23 (Business and Mailing Addresses of Licensees) and 2742 (c) (Operating While Not in Good
24 Standing with Secretary of State) of the Regulations and of Section 10162 (Place of Business:
25 Contact Information) of the Code and are grounds for discipline under Sections 10177(d)
26 (Willful Disregard of Real Estate Laws) and/or 10177(g) (Negligence/Incompetence Licensee)
27 of the Code.

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1 violation of this part to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case.

3 WHEREFORE, Complainant prays that a hearing be conducted on the
4 allegations of this Accusation and that upon proof thereof a decision be rendered imposing
5 disciplinary action against all licenses and license rights of Respondents under the Real Estate
6 Law, for the cost of the investigation and enforcement as permitted by law, for the cost of the
7 audit as permitted by law, and for such other and further relief as may be proper under other
8 provisions of law.

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11 ROBIN S. TANNER
Supervising Special Investigator

12 Dated at Oakland, California,
13 this 18th day of March, 2020.

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15 DISCOVERY DEMAND

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