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FILED

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DEPARTMENT OF REAL ESTATE
By J. Lazark

9 BEFORE THE DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of:) NO. H-12448 SF
13)
14 ORCE NAUMOVSKI,) ACCUSATION
Respondent.)

15 The Complainant, ROBIN S. TANNER, acting in her official capacity as a
16 Supervising Special Investigator of the State of California, for cause of Accusation against
17 ORCE NAUMOVSKI ("Respondent"), is informed and alleges as follows:

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19 At all times mentioned herein, Respondent was and is licensed by the State of
20 California Department of Real Estate ("Department") under the Real Estate Law, Part 1 of
21 Division 4 of the Business and Professions Code ("Code") as a real estate broker.

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23 At all times mentioned herein, Respondent engaged in the business of, acted in the
24 capacity of, advertised, or assumed to act as a real estate broker within the State of California
25 within the meaning of Section 10131(b) of the Code, including the operation and conduct of a
26 property management business with the public wherein, on behalf of others, for compensation or
27 in expectation of compensation, Respondent leased or rented and offered to lease or rent, and

1 solicited for prospective tenants of real property or improvements thereon, and collected rents
2 from real property or improvements thereon.

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4 Beginning on or about October 29, 2018, and continuing until on or about
5 December 14, 2018, an audit was conducted at 1330 Valota Road, Redwood City, CA 94061,
6 wherein the auditor examined Respondent's records for the period of March 1, 2016, through
7 September 30, 2018.

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9 While acting as a real estate licensee, as described above in Paragraph 2,
10 Respondent accepted or received funds in trust (trust funds) from or on behalf of owners and
11 tenants in connection with the leasing, renting, and collection of rents on real property or
12 improvements thereon, as alleged herein, and thereafter from time-to-time made disbursements
13 of said trust funds.

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15 The trust funds accepted or received by Respondent, as described above in
16 Paragraph 4, were deposited or caused to be deposited by Respondent into a bank account
17 maintained by Respondent for the handling of trust funds, and thereafter from time-to-time
18 Respondent made disbursements of said trust funds, from the following trust account:

BANK ACCOUNT	
Bank Name and Location:	Wells Fargo Bank 1500 Woodside Road, Redwood City, CA 94061
Account No.:	XXXXXX8940
Entitled:	Alpha Property Mgt. & Real Estate Co. Trust Account
Signatories:	Orce Naumovski (REB)
No. of Signatures Required:	One

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In the course of the activities described in Paragraph 2, Respondent:

(a) caused, suffered, or permitted the balance of funds in Trust Account #1 to be reduced to an amount which, as of September 30, 2018, was approximately \$1,793.05 less than the aggregate liability of Trust Account #1 to all owners of such funds, without the prior written consent of each and every owner of such funds, in violation of Section 10145 of the Code, and Section 2832.1 of Chapter 6, Title 10, California Code of Regulations ("the Regulations");

(b) failed to maintain an accurate record of all trust funds received and disbursed (control records) for Bank Account #1 in violation of Section 10145 of the Code and Section 2831 of the Regulations;

(c) failed to maintain accurate separate records for each beneficiary or property of trust funds accepted or received for Bank Account #1 in violation of Section 10145(g) of the Code and Section 2831.1 of the Regulations; and

(d) failed to accurately reconcile at least once a month, the balance of all separate beneficiary or transaction records with the balance of the control records for Bank Account #1, in violation of Section 10145 of the Code and Section 2831.2 of the Regulations.

The acts and/or omissions of Respondent, as alleged above in Paragraph 6, 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 6(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 6(b), under Sections 10177(d) and/or 10177(g) of the Code, in conjunction with Section 10145 of the Code and Section 2831 of the Regulations;

As to Paragraph 6(c), under Sections 10177(d) and/or 10177(g) of the Code, in conjunction with Section 10145(g) of the Code and Section 2831.1 of the Regulations; and

1 As to Paragraph 6(d), under Sections 10177(d) and/or 10177(g) of the Code, in
2 conjunction with Section 10145 of the Code and Section 2831.2 of the Regulations.

3 COST RECOVERY

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5 The acts and/or omissions of Respondent, as alleged above in Paragraphs 4
6 through 7, entitle the Department to reimbursement of the costs of its audit pursuant to Section
7 10148(b) of the Code.

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

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

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21 ROBIN S. TANNER
22 Supervising Special Investigator

23 Dated at Oakland, California,
24 this 18th day of March, 2020

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